

# **Exhibit 32**

**Response to Comment Document**

**CERCLA/EPCRA Administrative Reporting Exemption for Air  
Releases of Hazardous Substances from Animal Waste at Farms**

40 CFR Part 302

December 12, 2008

U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency Response  
Office of Emergency Management

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## **Introduction**

### **Purpose of this Document**

On December 28, 2007, the U.S. Environmental Protection Agency (EPA) published a notice of proposed rulemaking titled “CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste” (72 FR 73700). This rule would provide an administrative reporting exemption from particular notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA). Specifically, the proposed administrative reporting exemption would apply to releases of hazardous substances to the air where the source of those hazardous substances is animal waste at farms. Nothing in the proposed rule, however, would change the notification requirements if hazardous substances are released to the air from any other source other than animal waste at farms (e.g., ammonia tanks) or if hazardous substances from animal waste are released to any other environmental media (e.g., soil, ground water, or surface water) when the release of those hazardous substances is at or above its reportable quantity per 24 hours.

The Agency decided to finalize the CERCLA section 103 administrative reporting exemption portion of the proposed rule and to a limited extent the EPCRA section 304 administrative reporting exemption. EPA is exempting certain releases of hazardous substances to the air from the notification requirements of CERCLA and to a limited extent EPCRA emergency notifications, as implemented in 40 CFR 302.6 and 40 CFR Part 355, Subpart C-Emergency Notification Requirement, respectively. Specifically, we are exempting those hazardous substance releases that are emitted to the air from animal waste at farms. The exemption to the CERCLA section 103 notification requirements will apply to all releases of hazardous substances to the air from animal waste at farms. However, to respond to comments expressing the desire to receive information regarding releases from large concentrated animal feeding operations (CAFOs), EPA is bifurcating these administrative reporting exemptions in order to continue to require EPCRA section 304 emergency notifications for those CAFO operations that confine the large CAFO threshold of an animal species or above, as defined in the National Pollutant Discharge Elimination System (NPDES) program regulations. As such, the exemption to EPCRA section 304 emergency notification requirements will apply to air releases of hazardous substances from animal waste at farms that are below the thresholds in 40 CFR 355.31(g) and for those farms that have animals that are not stabled or confined. (See 40 CFR 355.31(h)) For the purposes of this rule, EPA considers animals (i.e., cattle) that reside primarily outside of an enclosed structure (i.e., a barn or a feed lot) and graze on pastures, not to be stabled or confined, and thus are exempted from the reporting requirements under EPCRA Section 304.

The purpose of this document is to summarize public comments received on the proposed rule.

### ***Development of This Document***

To develop this response to comment document, we reviewed each submission made to public docket number EPA-HQ-SFUND-2007-0469. Submissions to the public docket for this rulemaking appear in their entirety at <http://www.regulations.gov>. We organized the relevant comments according to the Agency's specific requests for public comment in the proposed rule and other topics in the proposal (72 FR 73700, December 28, 2007).

This document includes a summary of comments received and EPA's associated responses to the comments provided for the CERCLA/EPCRA administrative reporting exemption for air releases of hazardous substances from animal waste at farms. The specific comment excerpts that are included in this document were taken verbatim from the submissions to the docket received by the Federal Docket Management System (FDMS). Comment excerpts are included to substantiate the comment summaries and provide additional information on commenter statements and opinions. Document identification numbers, as assigned by FDMS, are provided in parentheses next to cited text. Submissions that make similar statements and appear in the same format or include slightly modified wording in similar formats, or are identical are considered form letters. Form letters are cited once using the FDMS identification number of the first identified submission. Table 1 lists the FDMS identification numbers of the original form letters as identified by FDMS, the first and last name of the author when provided, the author affiliation, and a count of the number of identical submissions (including the first identified submission).

We also received comments that addressed issues outside the scope of the proposed rule and the associated request for comment. While EPA appreciates these comments, we responded to them to the extent they are relevant to the rulemaking. Appendix A of this document lists the author names and affiliations, when provided, for all submissions received by FDMS for public docket number EPA-HQ-SFUND-2007-0469. Appendix B of this document is a summary of attachments submitted by the Environmental Integrity Project and Earthjustice to the docket (EPA-HQ-SFUND-2007-0469-531).

**Table 1. Form Letters Identified by FDMS**

<b>FDMS ID</b>	<b>First Name</b>	<b>Last Name</b>	<b>Affiliation</b>	<b>Count</b>
310	Sarah	Alexander	Private Citizen - Mass Mail Campaign	4,310
405	Martha	Rhoades	Private Citizen - Poultry Mass Mail Campaign	2,537
85	Linda	Judd	Private Citizen - Sierra Club Mass Mail Campaign	2,040
535	Mat	Thomas	Private Citizen - Mass Mail Campaign	1,405
390	Henrietta	Hildebrand	Private Citizen - Cattle Mass Mail Campaign	370
242	Gareth	Mackrill	Private Citizen - Mass Mail Campaign	327
539	J.	Weber	Private Citizen - Pork Mass Mail Campaign	234
538	Illegible	Illegible	Private Citizen - Poultry Mass Mail Campaign	140
534	Carolyn	Davis	Private Citizen - Poultry Mass Mail Campaign	121
537	J.	Davis	Private Citizen - Mass Mail Campaign	106
1141	Mitchell	Aaron	Private Citizen - Mass Mail Campaign	16
1350	Steven	Frischknecht	Private Citizen - Mass Mail Campaign	15
404	Thomas	Porter	Private Citizen - Egg Mass Mail Campaign	13
403	Cal	Jackson	Private Citizen - Mass Mail Campaign	13
1283	Amber	Pool	Private Citizen - Mass Mail Campaign	5

536	Stacey	Maloney	Private Citizen - Mass Mail Campaign	3
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Several submissions provided explicit support for comments submitted by other organizations, as identified below.

The National Association of State Departments of Agriculture comments (533) are supported by:

- South Carolina Commissioner of Agriculture (522, 523)
- Department of Agriculture and Consumer Services, Commonwealth of Virginia (1042)
- State of Delaware Department of Agriculture (1058)
- Arkansas Agriculture Department (1059)
- West Virginia Department of Agriculture (1101)

The National Milk Producers Federation and the National Council of Farm Cooperatives comments (657) are supported by:

- Land O'Lakes, Inc. (656)
- United Dairywomen of Arizona (889)
- Dairy Farmers of America (892)
- Western United Dairywomen (886)
- Foremost Farms USA (896)

The National Association SARA Title III Program Officials comments (990) are supported by:

- Oklahoma Hazardous Materials Emergency Response Commission (OHMERC) (994)
- One private citizen (999)

### ***CERCLA and EPCRA Comments***

The proposed rule, "CERCLA/EPCRA Administrative Reporting Exemptions for Air Releases of Hazardous Substances from Animal Waste," applied to both CERCLA section 103 notification requirements and EPCRA section 304 emergency notification requirements and many of the comments received during the public comment period apply to both CERCLA and EPCRA.

## COMMENT SUMMARY & RESPONSE

### I. Proposed Definitions

#### A. Proposed Definition of “Animal Waste”

Issue: EPA proposed to add a definition for “animal waste” to the Code of Federal Regulations that only pertains to regulations promulgated pursuant to CERCLA section 103 and EPCRA section 304, specifically 40 CFR §302.3 (definitions) and 40 CFR §355.20 (definitions). The Agency is not aware of any existing definition for animal waste and thus seeks comment from the public on the appropriateness, clarity and completeness of this definition.

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#### (1) Support Proposed Definition

##### Comment

*Generally Support.* Several commenters expressed general support for the proposed definition of “animal waste”. (565, 730, 815, 1201) One expressed support based on personal knowledge (82) while others expressed support by stating, “As long as it is understood that this definition is used solely for the purposes of EPCRA/CERCLA, the basic parts of the definition are fine.” (529,1160) Though agreeing with the substance of the definition, several commenters proposed to change the term “animal waste” to “animal nutrients” to reflect that manure is a valuable resource for livestock and crop producers. (557, 1023, 1294)

##### Response

EPA intends for the definition of *animal waste* to be limited to use in CERCLA section 103 notification requirements.

EPA disagrees with commenters (557, 1023, and 1294) that proposed to change the term *animal waste* to *animal nutrients*. This rule is not intended to make any statements regarding the value of manure as a resource for livestock and crop producers. We are providing the exemption because the Federal government is unlikely to respond to such notifications.

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#### (2) Other Suggested Definitions

##### Comment

*Requests to clarify definition.* Several commenters requested clarification regarding treatment of compost material, and specifically whether composted manure is included in the definition. (469) Similarly, other commenters suggested that EPA clarify that manure-based compost is included in the definition of animal waste. (479, 718, 883, 1230) Another questioned the trigger for reporting emissions of compost writing, “[i]t is not clear if the definition is meant to include some forms

of compost and exclude others or what may trigger a requirement to report emissions from compost. Because manure is often the basis for compost, we believe that EPA should clarify the definition to include manure-based compost in the exemption from reporting.” (589) Several commenters requested clarification on whether the soil in a field that has been supplemented with animal waste is considered animal waste. (529,1160)

## Response

Commenters’ (469, 479, 529, 589, 718, 883, 1160, 1230) that requested clarification regarding the treatment of compost material, whether composted manure and manure based compost, and soil in a field that has been supplemented with animal waste is considered animal waste, are included in the definition. With respect to composted manure and manure based compost, EPA considers both to be included in the definition of animal waste. With respect to soil in a field that has been supplemented with animal waste, to the extent that the animal waste is being used as a fertilizer and not as a mechanism for disposal of the animal waste, EPA would consider that supplementation to be a *normal application of fertilizer*; hence, not considered a *release into the environment*. (See CERCLA section 101(22)(D)).

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## Comment

*Alternative definitions.* Several commenters submitted proposed alternative definitions.

To reflect the need for controlling emissions of dangerous and toxic emissions, a commenter suggested that “animal waste” be defined as "manure (livestock produced feces, urine, other excrement, and bedding that has not been composted), digestive emissions, and urea, which emit dangerous and/or toxic gases in any quantity. This definition includes animal waste when mixed or comingled with bedding, compost, feed, soil and other materials typically found in animal waste.” (72)

One commenter suggested an alternate definition which would define animal waste as "all constituents and byproducts of the decomposition of manure (feces, urine, other excrement, and bedding, produced by livestock or poultry that has not been composted), digestive emissions, and urea." The definition would also include "animal waste when mixed or commingled with water, bedding, compost, feed, soil and other materials typically found with animal waste." (983)

Another commenter contributed the following definition for animals waste, "manure (feces, urine, or other excrement produced by livestock, and including bedding), and any other livestock digestive emissions, regardless of how stored, handled, composted or otherwise stockpiled. The definition includes animal waste used in biogas production or other treatment processes, or when mixed or comingled with bedding, compost, feed, soil, and other materials typically found with animal waste." (894)

## Response



EPA disagrees with commenters (72, 894, and 983) that proposed alternative definitions for the term *animal waste*. The definition does not need to account for controlling emissions of dangerous and toxic emissions because CERCLA notification requirements apply to hazardous substances. The exemption is from CERCLA notification requirements and to a limited extent EPCRA emergency notification. The definition does not need to include all constituents and byproducts of the decomposition of manure. EPA believes that the exemption of air releases of *hazardous substances* is appropriate with respect to the regulations under CERCLA and includes constituents and byproducts of the decomposition of manure if they are *hazardous substances*. Finally, the definition does not need to include animal waste used in biogas production or other treatment processes. The administrative reporting exemption applies to *animal waste* at farms. The suggested alternative definitions would serve to broaden the facility (farm) that is covered under the regulation to other operations; EPA does not agree that broadening the facilities covered by the exemption should be done through the definition of *animal waste*.

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## **Comment**

*Definition needs to be broadened.* One commenter suggested the definition be broadened to "reflect manure in all forms used in agricultural operations." This would include composting material and "ponds and land application of animal waste during routine farming operations." (492) Another commenter suggested the definition include emissions from all animals' manure, stating, "We do not see any meaningful distinction between animal waste produced on the farm and animal waste produced on non-farm facilities... We believe that EPA is heading down a slippery slope when it tries to distinguish one animal's manure from another's..." (479)

## **Response**

EPA disagrees with commenters (479, 492) that suggested that the definition be broadened to "reflect manure in all forms used in agricultural operations," or emissions from all animals' manure. As discussed immediately above, EPA does not agree that broadening the facilities covered by the exemption should be done through the definition of *animal waste*.

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## ***B. Proposed Definition of "Farm"***

Issue: EPA proposed to add a definition for "farm" to the Code of Federal Regulations that only pertains to regulations promulgated pursuant to CERCLA §103 and EPCRA §304, specifically 40 CFR §302.3 (definitions) and 40 CFR §355.20 (definitions). For this proposed exemption only, EPA defines "farm" by adopting the definition found in the National Agricultural Statistics Service (NASS) Census of Agriculture. Also, the Agency recognizes that Federal and state research farms utilizing farm animals are subject to the conditions experienced on other farms; therefore, EPA proposed to include Federal and state poultry, swine, dairy and livestock research farms. The Agency seeks

comment on the proposed definition for a “farm”, and whether an alternative definition may be more appropriate.

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### **(1) Support Proposed Definition**

#### **Comment**

*Generally Support.* Several commenters expressed general support for the definition of farm. (82, 479, 557, 565, 589, 730, 815, 894, 1023, 1201, 1230) Other commenters found the proposed definition acceptable since it is the definition used by USDA and promotes continuity in definitions between agencies. (529,1160) Several commenters stated that the definition is an accurate description of a commercial agricultural enterprise for this regulation only. (718, 883, 1230)

#### **Response**

EPA recognizes commenters (82, 479, 529, 557, 565, 589, 718, 815, 883, 894, 1023, 1160, 1201, and 1230) who generally supported our definition of *farm*, especially those that found the definition acceptable since it is used by USDA and promotes continuity in definitions between agencies. However, see response to commenter (72) immediately below.

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### **(2) Oppose Proposed Definition**

#### **Comment**

*Conflicting definitions within the same agency.* One commenter indicated that the proposed definition is inconsistent with the definition at 40 CFR Part 112 (Spill Prevention, Control and Countermeasure rule) (71 FR 77266, December 26, 2006): " ...a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year." The commenter states, “The concept of two differing definitions of the same entity by the same Agency places a hardship on the regulated community. It also gives the regulated community the impression the Agency is picking and choosing definitions to favor politically powerful communities. We do not necessarily support the Part 112 definition, but [at] least there should be only [one] definition within the one Agency.” (72)

#### **Response**

As noted by commenter (72), the definition proposed is different from that used by the Spill Prevention, Control and Countermeasure (SPCC) rule (71 FR 77266, Dec. 26, 2006). Our proposed definition added specific facilities, namely “Federal or state poultry, swine, dairy or livestock research farm,” to the USDA definition of farm. EPA agrees with this commenter and thus, we have decided to use the same definition of *farm* as the definition used in the SPCC rule. EPA believes that this final rule definition is

broad enough so as to cover “Federal or state poultry, swine, dairy or livestock research farm,” without explicitly stating as such; thus keeping a clear and consistent definition used within the Agency.

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## **Comment**

*No need for the \$1,000 sales limit in definition of farm.* One commenter notes that there is no reason to have the limitation because “such small operations would not need to report anyway because the amount of emission would not reach any known reportable quantity.” (492)

## **Response**

EPA disagrees with the commenter (492) that stated noted that there is no reason to have the \$1,000 sales limit in the definition of *farm* because such small operations would not need to report anyway because the amount of emission would not reach any known reportable quantity. First, EPA does not have information as to whether *farms* with sales under \$1,000 would trigger the CERCLA reportable quantity. Second, EPA wants to have consistency between the definition of *farm* in its regulations.

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### **(3) Other Suggested Definitions**

## **Comment**

*Provide additional specifications.* One commenter agreed with the terms of the definition and suggested adding language to include “[any] operation that produces eggs, poultry, swine, dairy, or other livestock in any amount.” The commenter also suggested that the definition should include all production areas and land application areas. (983)

## **Response**

EPA disagrees with the alternative definition suggested by the commenter (983) to add language to include “[any] operation that produces eggs, poultry, swine, dairy, or other livestock in any amount,” and to include all production areas and land application areas. EPA believes that this final rule definition is broad enough so as to cover those specific concerns, without explicitly stating as such; thus keeping a clear and consistent definition.

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## **Comment**

*Expand definition to include non-Federal or State research facilities.* One commenter pointed out that the Agency recognized that State and Federal facilities utilize farm animals and are therefore subject to the reporting of releases under CERCLA and EPCRA. “These regulations apply to all research facilities generating animal waste.” (1352)

## **Response**

EPA recognizes the alternative definition suggested by the commenter (1352) to include non-Federal or State research facilities; specifically, “these regulations apply to all research facilities generating animal waste.” The final rule definition of *farm* does not include, “(b) a Federal or state poultry, swine, dairy or livestock research farm.” EPA believes that this final rule definition is now broad enough so as to cover the specific concerns of the commenter. Thus both Federal and non-Federal and State facilities that meet the final definition of *farm* would be included in these regulations.

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## **II. Proposed Expansion of Reporting Exemption to Other Facility Types**

Issue: The Agency is aware that animal waste is also generated at other facilities, such as zoos and circuses. Because the focus of this proposal is on animal waste generated or found at farms, EPA is not proposing to expand the reporting exemption beyond such facilities. However, the Agency requests comment on whether the reporting exemption should be expanded to other types of facilities that also generate animal waste, and if so, what other types of facilities should be included in the reporting exemption.

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### ***(1) Support and Suggest Other Facility Types to be Provided Exemption***

#### **Comment**

*Exclude other facilities that produce animal manure from reporting requirements.*

“While the rule needs to remain narrowly focused, it would seem reasonable to expand this rule to other animal operations that generate animal waste as well... Again, given that the purpose of reporting these emissions to local, state, federal authorities is so that proper human health can be safeguarded... it is hard to envision how having such facilities as zoos and circuses making these reports would advance these goals... As such, the rule should stay narrowly focused but should include other facilities that produce animal manure.” (529, 1160)

#### **Response**

While EPA agrees with the commenters (529, 1160) that there are other facilities that produce animal manure; however, we do not believe that broadening the facilities to operations that generate animal waste is appropriate, because the Agency has not studied these other facilities, such as zoos and circuses, which are very different facilities than farms., and did not receive meaningful comments on those other facilities.

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#### **Comment**

*Explicitly exclude “all animal activities” rather than facilities from reporting requirements.* The scope of the rule should also include other facilities.

“[Commenter] believes it is better to exclude all animal activities and not leave it ambiguous as to whether or not circuses, zoos, golf courses need to report.” (492)

## Response

CERCLA section 103 notification requirements are that owners or operators of vessels or facilities report releases. Since CERCLA and EPCRA notification requirements don't regulate activities, use of the phrase "all animal activities" could add regulatory confusion.

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## Comment

*Exempt reporting of emissions for all animals' manure rather than specific facilities.*

Several commenters stated that because the generation of manure is a normal biological process, all animals' manure should be excluded. (589, 883, 1230) "As referenced earlier, NFBF believes normal animal biological processes are not an emergency threat to human health or the environment, whether those events and animals reside on-farm or off-farm at other locations (i.e. fairs, zoos, circuses, racetracks or other non-commercial sites). We encourage EPA to include emissions from all animals' manure in the proposed exemption recognizing these are normal biological processes." (883)

## Response

Even if manure is the result of a normal biological process as commenters (589, 883, and 1230) suggest, they are still hazardous substances that are emitted from the manure. EPA believes that the exclusion should stay narrowly focused and therefore has limited the exemption to *animal waste at farms* because the Agency has not studied those other locations and did not receive meaningful comments on them.

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## III. Proposed Elimination of Reporting Requirement

Issue: The Agency believes it is appropriate to propose eliminating the reporting requirement under CERCLA section 103 and EPCRA section 304 for hazardous substances released to the air at farms where the source of those hazardous substances is animal waste.

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### A. Support Proposed Elimination of Reporting Requirements

## Comment

*Generally Support.* Many commenters expressed general support for the proposed elimination of reporting requirements under CERCLA section 103 and EPCRA section 304 for hazardous substances released to the air at farms where the source of those hazardous substances is animal waste.

## Response

EPA acknowledges the commenters' general support for the proposed elimination of reporting requirements.

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## Comment

*Rationale also applies to Federal or State research facilities.* One commenter expressed support and “feel[s] that this rationale also applies to Federal or State research facilities. Experience has shown that there have been no National Response Center (NRC) responses triggered from releases of hazardous substance from farm waste which includes animal research facilities.”

## Response

As discussed in the response to comments under I.B., above, EPA believes that the final rule definition for *farm* is broad enough so as to cover those specific concerns, without explicitly stating as such; thus keeping a clear and consistent definition.

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## Comment

*Reporting is not of value.* Many commenters expressed support for the proposed elimination of reporting requirements, stating that reporting emissions is of little value. In particular, one commenter stated that “[o]ur county is well aware that routine agriculture operations... release natural by-products such as ammonia at generally low concentrations on an ongoing basis. We believe the public is also well informed that such releases occur regularly... given these circumstances, our county does not believe such notifications would be of value in performing our mission, and in fact may prove to be a hindrance.” (458)

## Response

While EPA received comments that the public is well informed that releases from *animal waste* occur regularly, we also received comments that the notifications would be of value. As such, we have bifurcated the final rule to have an exemption to CERCLA section 103 notification requirements and a limited exemption to the EPCRA section 304 emergency notification requirements. The limited EPCRA section 304 exemption provides an exemption to those farms that are below the animal threshold for large CAFOs, as defined in 40 CFR 122.23(b)(4).<sup>1</sup>

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<sup>1</sup> Any release to the air of a hazardous substance from animal waste at farms that stable or confine fewer than the numbers of animal specified in any of the following categories.

- (1) 700 mature dairy cows, whether milked or dry
- (2) 1,000 veal calves
- (3) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs
- (4) 2,500 swine each weighing 55 pounds or more
- (5) 10,000 swine each weighing less than 55 pounds
- (6) 500 horses
- (7) 10,000 sheep or lambs
- (8) 55,000 turkeys
- (9) 30,000 laying hens or broilers, if the farm uses a liquid manure handling system

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## Comment

*Reporting is costly.* Many commenters stated that emissions reporting is costly and could put them out of business should they have to adhere to such a regulation. Specifically, one commenter, a flock supervisor, stated that “[m]ost of my growers would not be able to adhere to this policy and would have to close down their operation. With high fuel and feed prices already hurting their bottom line this would push most of them over the edge. We can’t risk an abundant, affordable food supply in the name of low-level ammonia. I firmly believe this would put many family farms out of business and be terrible for the already struggling American family farm.” (655)

## Response

EPA agrees that complying with reporting requirements of CERCLA section 103 and would create an additional expense for those facilities that are new to reporting. Although compliance with the regulations for reporting releases (i.e., 40 CFR 302) does not require monitoring the releases, some may choose to do so and that could prove to be costly for those operations.

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## Comment

*Adoption of the proposed exemption is vital to prevent further state actions and lawsuits from attempting to subject animal agriculture to CERCLA and EPCRA release and reporting provisions.* One commenter stated that, “in the past, a small number of states, lawsuits, and activists have moved to expand federal Superfund provision to regulate family farms and ranches. Whether justified or not, animal agriculture, the storage of manure, and the application of manure as a natural fertilizer are already regulated by various comprehensive federal and state laws including the Clean Water Act and the Clean Air Act. Adding CERCLA and EPCRA provision would create even more regulatory burdens for those that proactively work to produce food and fiber for our nation.” (77)

## Response

While EPA is aware of such lawsuits, they have no bearing on this rulemaking. EPA is exempting these releases because we believe that a response to the releases is impracticable.

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## Comment

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- (10) 125,000 chickens (other than laying hens), if the farm uses other than liquid manure handling system
  - (11) 82,000 laying hens, if the farm uses other than a liquid manure handling system
  - (12) 30,000 ducks (if the farm uses other than a liquid manure handling system)
  - (13) 5,000 ducks (if the farm uses a liquid manure handling system)

*Exempt CAFOs from requirements until science is more sound.* Many commenters stated that accurately quantifying emissions would be difficult as would be the burden of proof to validate the measurements. One commenter suggested that “[f]arms should be exempt from monitoring and reporting pollutant releases until measuring and testing procedures become more accurate... We recommend the adoption of the proposed rule until feasible monitoring practices may be enacted.” (82) Another commenter provided support for the proposed rule, stating that “putting these further regulations on rural growers is unfair when the science surrounding ammonia releases is uncertain.” (444)

## **Response**

EPA recognizes the commenters’ concerns with accurately quantifying emissions.

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## **Comment**

*Congress never intended to require cattle producers to report these emissions from manure.* “CERCLA was intended to provide for cleanup of hazardous waste sites like Love Canal and Times Beach. To this end, Congress created the Superfund to tax the building blocks (such as petrochemicals, inorganic raw materials, and petroleum oil) used to make all hazardous products and waste. Manure and urea are clearly not among these materials. In addition, ‘[a]mmonia when used to produce or manufacture fertilizer or when used as a nutrient in animal feed’ is specifically exempted from the tax due to the ‘unnecessary burden’ it would place on agriculture. A similar exemption is in place for pesticides. In fact, the definition of ‘hazardous chemical’ excludes ‘any substance to the extent it is used in agriculture operations.’... These releases pose no threat to public health or the environment, and it would be an utter waste of public resources for authorities to investigate and consider remedial action when it would never lead to any such action.” (494, 815) Similarly, one comment stated that the Clean Air Act is an appropriate vehicle to attain important environment objectives, not CERCLA/EPCRA. (1249)

## **Response**

CERCLA section 103(a) requires any person in charge of a vessel or facility from which a hazardous substance has been released into the environment in a quantity equal to or above its reportable quantity to immediately notify the National Response Center of the release. Similarly, EPCRA section 304 requires the owner or operator of a facility to immediately report to state and local authorities the release of an extremely hazardous substance above its reportable quantity from the facility. Based on the language of these statutes, there is no indication that Congress meant to exclude emissions from manure from reporting requirements under CERCLA section 103(a) and EPCRA section 304. With respect to manure that is used as fertilizer, as we stated above in Section I.A.2. of this document, the normal application of fertilizer is not a release under CERCLA section 101(22)(D) and hence would not be subject to reporting under CERCLA section 103(a) or EPCRA section 304.



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## Comment

*It is logical to extend exemption from synthetic fertilizer to manure-based fertilizer.* One commenter pointed out that CERCLA/EPCRA reporting laws already exempt releases of similar or identical substances if a farmer uses synthetic fertilizer; it is only consistent and logical to apply the same provision for manure based fertilizer. (528)

## Response

The definition of a release under CERCLA excludes the normal application of fertilizer. That exclusion would also apply to EPCRA. That definition does not differentiate between synthetic and manure-based fertilizer. However, not all manure is used in the normal application of fertilizer and as such releases from *animal waste*, which includes manure, are not always considered to be excluded as a release under CERCLA. Therefore, we believe that the administrative reporting exemption under CERCLA, and to a limited extent EPCRA, is necessary.

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## ***B. Support - Citing Issue Related to Risk, Harm, and Exposure***

### Comment

*General.* Many commenters provided general comment to the effect that emissions from CAFOs pose no threat to public health or the environment. (390, 435, 458, 466, 494, 852, 1010, 1281, 1305) One commenter expressed concern over the burden of liability from estimating emissions. (397) One commenter from Kansas also cited the good relationship between federally permitted animal feeding operations and the local emergency services saying, “there is a good understanding that there are few if any risks from these facilities releasing hazardous substances, particularly from animal wastes.” (469)

### Response

EPA appreciates the perspective of these commenters; however, EPA has not made any independent determinations regarding the risk associated with air releases of hazardous substances from animal waste at farms. The rationale for this exemption is based on the Federal government likelihood of response to a CERCLA section 103 notification of release. The limited exemption under EPCRA section 304 was made to address concerns raised in public comment about emissions from large farms.

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### Comment

*Adverse impact to humans is unlikely.* Many commenters submitted comments stating that there is no evidence or studies that emissions pose any public health risks or have environmental impacts that would warrant emergency release reports from

farms at the federal level. One commenter stated that “it is highly improbable that any amount of animal waste on a farm could produce air emissions so concentrated or hazardous that they could threaten an acute exposure to humans or the environment, thus requiring an emergency cleanup response. Commenter agrees with USEPA that emissions from animal waste on farms would occur into the air over a broad, open-space area. This fact alone significantly reduces the potential for exposure to high concentrations of air emissions. Not only do concentrations dissipate quickly in open spaces, but the threat of human exposure is reduced by the fact that fewer people populate rural areas.” (83) Another commenter added that “[t]here is no documented incident of deaths occurring as a result of these releases to the atmosphere. Furthermore, there are no records that we could find in the National Institute of Occupational Safety and Health (NIOSH).” (592)

## **Response**

While EPA received comments that there is no evidence or studies that emissions pose any public health risks, we also received comments opposing the rule that include studies which argue the opposite. However, EPA’s basis for this proposed rule does not consider the level of risk associated with air releases of hazardous substances from animal waste at farms. The rationale for this exemption is based on the Federal government likelihood of response to a CERCLA section 103 notification. The limited exemption under EPCRA section 304 was made to address concerns raised in public comment about emissions from large farms.

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### ***A. Oppose Proposed Elimination of Reporting Requirements***

#### **Comment**

*Generally Oppose.* Many commenters expressed general opposition to the proposed elimination of reporting requirements under CERCLA section 103 and EPCRA section 304 for hazardous substances released to the air at farms where the source of those hazardous substances is animal waste.

#### **Response**

EPA acknowledges that commenters that have expressed general opposition to the elimination of reporting requirements under CERCLA section 103 and EPCRA section 304 for hazardous substances release to the air at farms where the source of those hazardous substances is animal waste.

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#### **Comment**

*EPA does not have the authority to grant exemptions.* Several commenters stated that CERCLA and EPCRA do not give EPA the authority to grant reporting exemptions (772, 932, 989, 1004, 1311) by any means other than by de-listing the substance as hazardous or creating different reportable quantity thresholds for

different mediums. (990) “EPA has provided no legal justification that would allow it to carve out the proposed exemption from these statutory requirements.” (758) “In this case, using the example of ammonia, although it applies to all statutorily regulated substances, there is no authority in either statute to exclude certain types of ammonia discharges.” (1004) Another commenter made a similar argument, that “EPA incorrectly states that because many of the releases from animal waste are continuous, they need not be reported. The court in *Sierra Club v. Tyson* specifically rejected this argument when made by Tyson, citing EPA’s own guidance documents on the subject. See *Sierra Club v. Tyson Foods*, 299 F. Supp.2d at 711-12. The court went on to say that the statute requires only reduced reporting requirements when releases are continuous, but to qualify for reduced reporting, there must be reporting in the first place. *Id.* In this rule, EPA ignores this part of EPCRA and CERCLA entirely.” (1004) Another commenter stated that it is the responsibility of the National Response Center to determine whether a response is warranted, therefore “the EPA is in no position to remove the primary assessment responsibilities from the expert agency charged with evaluating such releases.” (1238)

## Response

EPA disagrees with the statement that CERCLA and EPCRA do not give EPA the authority to grant reporting exemptions by means other than by de-listing the substance as hazardous or creating different reportable quantity thresholds for different mediums (990). The Agency relies on CERCLA sections 102(a), 103, and 115 (the general rulemaking authority under CERCLA) as authority to issue regulations governing CERCLA section 103 notification requirements. CERCLA section 102(a) states that EPA “shall promulgate and revise as may be appropriate” regulations designating hazardous substances and their reportable quantities. CERCLA section 115 gives EPA (through the President) powers to “promulgate any regulations necessary to carry out the provisions” of CERCLA. The Agency relies on EPCRA section 304 as authority to issue regulations governing EPCRA section 304 notification requirements, and EPCRA section 328 for general rulemaking authority. EPCRA section 304 references EPCRA section 302, which authorizes the EPA to publish and revise a list of extremely hazardous substances. EPCRA section 304 also provides for the establishment of reportable quantities, which is one pound “[u]nless and until superseded by regulations.” The Agency will continue to require certain reports under EPCRA section 304, specifically for those facilities that meet the size thresholds in 40 CFR 355.31(g) Based on these authorities, EPA could set an unlimited or infinite reportable quantity, which would have the effect of a reporting exemption.

EPA has on two other occasions exercised its authority to extend administrative reporting exemptions to certain well-defined release scenarios. For example, on March 19, 1998, the Agency issued a final rule (see 63 FR 13459) that granted exemptions for releases of naturally occurring radionuclides. The rule entitled, Administrative Reporting Exemptions for Certain Radionuclide Releases (“Radionuclide ARE”), granted exemptions for releases of hazardous substances that pose little or no risk or to which a Federal response is infeasible or inappropriate (see 63 FR 13461). Then on October 4,

2006, the Agency issued a final rule (see 71 FR 58525) that broadened the existing reporting exemptions for releases that are the result of combustion of less than 1,000 pounds of nitrogen oxide (NO) and less than 1,000 pounds of nitrogen dioxide (NO<sub>2</sub>) to the air in 24 hours (“NO<sub>x</sub> ARE”). The NO and NO<sub>2</sub> exemptions were granted for releases of hazardous substances at levels for which the CAA regulates nitrogen oxides that are considerably higher than 10 pounds.

For this rule, EPA has made a determination that these reports are unnecessary because we would not respond to them since the Agency believes there is no reasonable approach for the response. As stated in the preamble of this final rule, however, EPA is currently overseeing a comprehensive study of CAFO air emissions (air monitoring study) that is being conducted by an independent, non-profit organization. The purpose of the air monitoring study is to develop methodologies to estimate emissions from all animal agricultural operations. Two of the outcomes of the study will be to help ensure that animal feeding operations comply with applicable environmental requirements and to gather scientific data the Agency needs to make informed regulatory determinations.

Finally, the Agency believes it has clearly defined the universe of facilities that are included in the exemption from CERCLA section 103 and to a limited extent EPCRA section 304 notification requirements to be those that release hazardous substances to the air from animal waste at farms. In addition, the Agency does not go so far as to exempt all hazardous substance emissions to air because there could be instances where it would be feasible to respond to an air release (i.e., releases from tanks, valves, pipes, etc.).

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## Comment

*Reports provide valuable documentation.* Many commenters opposed the proposed elimination of reporting requirements on the grounds that reports provide good documentation, even if the content is not reviewed and enforcement is lacking. “... the decision to respond should not be taken out of the hands of local officials based on an assumption that agencies are not likely to respond. Even if local agencies typically choose not to respond, notice of releases provides valuable information to the public.” (497) Several commenters stated that reporting information about emissions enables citizens to hold companies and local governments accountable in terms of how toxic chemicals are managed (614, 758, 1335) and even allows agencies to identify a facility’s proximity to schools where children may be at higher risk of adverse health effects due to exposure. (1004) In a similar vein, one commenter noted that in November 2007, the American Public Health Association adopted a policy which opposes federal or state efforts to exempt agricultural sites from regulations and enforcement, including those related to airborne emissions. The APHA policy calls for improvements in “data collection on food animal production emissions and waste” as well as monitoring and control technologies. (614)

## Response

EPA agrees that some consideration should be paid to the usefulness of the reports, particularly from the largest CAFOs for citizens at the local level. Although EPA does

not anticipate ever responding to a notification under CERCLA section 103, we do recognize from the comments received that communities may have an interest in the reports under EPCRA section 304. In response to that concern, EPA has limited the administrative reporting exemption from EPCRA section 304 emergency notification requirements to those farms that are below the size threshold for a large CAFO.

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## **Comment**

*EPA is providing incentive to pollute.* By giving large livestock operators immunity from this reporting, EPA would be creating an incentive to pollute instead of promoting and rewarding good stewardship practices. (311, 480, 636, 678, 1320)

## **Response**

EPA disagrees with commenters that assert that by giving large livestock operators immunity from reporting that we are creating an incentive to pollute instead of promoting and rewarding good stewardship practices. This rule is an administrative reporting exemption from CERCLA section 103 and to a limited extent EPCRA section 304 notification regulations. EPA is not limiting the Agency's authority under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA to address releases of hazardous substances from animal waste at farms. EPA is also not limiting any of the Agency's authority under the Clean Air Act.

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## **Comment**

*EPA's Proposed Exemption is Contrary to the Congressional Intent of CERCLA and EPCRA.* Several commenters expressed the belief that Congress intended for the public to have the right to know about large releases of toxic chemicals, and that this proposed regulation directly contradicts the intent of Congress. (94, 927) Many comments also specifically cite this proposed rule is a violation of the Community-Right-to Know Act. (539, 579, 595, 610)

## **Response**

The intent of the reporting requirement of CERCLA section 103(a) is to serve as a trigger for informing the Federal government of a release so that Federal personnel can evaluate the need for a response in accordance with the National Contingency Plan. Similarly, EPCRA section 304(a) provides release notification to state and local authorities so that they can assess whether a response action is appropriate. As explained in the preamble to the final rule, the rule is narrowly written to exempt from CERCLA section 103(a) reporting the release of hazardous substances to the air from animal waste at farms because, based on EPA experience, a Federal response would be unlikely. However, in response to comments expressing concerns over such releases, the EPA is maintaining EPCRA section 304 reporting requirements for farms that meet or exceed the size thresholds promulgated in 40 CFR 355.31(g) so that such information will still be available to state and local authorities.

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## Comment

*Proposed exemption is in direct opposition to mission of EPA.* Several commenters indicated that exempting farms from reporting requirements violates Americans' right to breathe and the Agency's mission to protect human health and the environment. (243, 246, 329, 335, 433, 1210, 1247) "EPA has broad authority to write rules, but it does not have authority to write rules in direct conflict with the plain language of the statutes. CERCLA and EPCRA provide that releases of certain substances (as determined by EPA), and in certain amounts (as determined by EPA) must be reported to appropriate agencies." Also, "in 2005 and 2006 EPA entered into Air Quality Compliance Agreements with thousands of farms in over forty states. The purpose of these agreements, according to EPA, was 'to ensure that AFOs comply with applicable environmental requirements and to gather scientific data the Agency needs to make informed regulatory and policy determinations.' ... While this monitoring is still ongoing, EPA is proposing a rule change that would make this monitoring program almost entirely moot." (932)

## Response

EPA disagrees that the administrative reporting exemptions are in direct opposition to the mission of the Agency. The reporting exemptions do not violate "Americans' right to breathe" nor does it violate our mission to protect human health and the environment. As some of the commenters remind us, EPA has entered into air compliance agreements with farms to do air monitoring studies. Two of the outcomes of the study will be to help ensure that animal feeding operations comply with applicable environmental requirements and to gather scientific data the Agency needs to make informed regulatory determinations. Those determinations will be made under the Clean Air Act as well as CERCLA and EPCRA. The administrative reporting exemptions will allow Federal, State and local governments to use their resources to respond to CERCLA section 103 and EPCRA section 304 notifications where there are practical solutions to addressing the release.

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## Comment

*Factory farms should not be protected from the laws that affect all other industries.* "Although it is a burden for industries to have to measure and document how much poison they add to our environment, it is a burden that must be born by someone and the responsible party is most appropriately the industry that is producing the poisons. Measuring and then mitigating those environmental effects is simply part of the cost of doing business responsibly." (239, 1240, 1345) Several commenters pointed out that CAFOs are not family farms, they are industries that produce high amounts of pollutants and should be treated as such. (611, 1214) For instance, "broiler houses usually handle between 20,000 and 30,000 birds per house and swine finishing buildings in Iowa typically house 1,200 to 2,400 pigs each" and produce "thousands of tons of manure." (1214)

## **Response**

EPA acknowledges the commenters' assertion that factory farms should not be protected from laws that affect all other industries; however, this rule is an administrative reporting exemption from CERCLA section 103 and to a limited extent EPCRA section 304 notification requirements. This rule does not "protect" any industry from CERCLA response, abatement, liability provisions or any other environmental laws, including EPCRA.

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## **Comment**

*Proposed rule limits obligations under Clean Air Act.* "SCAQMD staff believes this exemption will limit our ability to meet obligations under the Clean Air Act and the SIP, including the 2007 Air Quality Management Plan (AQMP), to control and reduce air emissions from manure generated at CAFOs, and respectfully requests that EPA rescind its proposal in its entirety." (1007)

## **Response**

EPA disagrees that the rule limits obligations under the Clean Air Act. The final rule is an administrative reporting exemption from the CERCLA section 103 and to a limited extent EPCRA section 304 notification requirements for air releases of hazardous substances from animal waste at farms. EPA is not limiting its authorities under the Clean Air Act.

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## **Comment**

*The proposed rule is contradictory to current practices.* "...it is difficult to reconcile EPA's assertion that the exemption would save 3.431 million hours in paperwork burden for the affected industry, while on the other hand, input provided to EPA by SERCs and LEPCs indicate they do not routinely receive air emission notifications from livestock production operations." (614) "...due to the current state of the scientific data regarding the release of hazardous substances from animal waste and the fact that EPA is simultaneously exempting and studying these releases, it is almost certain that a reviewing court would find this contradiction is in and of itself arbitrary and capricious." (990)

## **Response**

EPA disagrees that the final rule is contradictory to current practices. In order to conduct a burden analysis, EPA has always assumed that there is full compliance with its regulations. We calculate the burden by looking back to see what the historic levels of reporting have been and assume that there will be similar levels of compliance in the future. This methodology for analysis has been reviewed and approved by the Office of Management and Budget for over 20 years.

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## ***B. Oppose - Citing Issue Related to Risk, Harm, and Exposure***

### **Comment**

*References to the “Iowa Concentrated Animal Feeding Operations Air Quality Study” conducted by Iowa State University and University of Iowa Study Group (2002). Several commenters cite a 2002 study titled, “Iowa Concentrated Animal Feeding Operations Air Quality Study,” conducted by Iowa State University and University of Iowa Study Group. (65, 91, 74, 257, 634, 664, 1161,1284) The study concluded that for workers at these operations, “[t]here is now an extensive literature documenting acute and chronic respiratory diseases and dysfunction among workers, especially swine and poultry workers, from exposure to complex mixtures of particulates, gases and vapors within CAFO units.” However, the study notes that while the workers generally come from a healthy population, communities adjacent and downwind to CAFO facilities have populations of children, pregnant mothers, and elderly, who are more susceptible to CAFO air pollution. (65)*

### **Response**

EPA acknowledges commenters (65, 91, 74, 257, 634, 664, 1161, 1284) that submitted or cited to the “Iowa Concentrated Animal Feeding Operations Air Quality Study,” however, the final rule does not limit any of EPA’s authorities to address risk, harm, and exposure in populations that may be affected by emissions from CAFOs. The exemptions provided for CERCLA section 103 and EPCRA section 304 were not based on health or risk.

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### **Comment**

*A toxic material is a toxic material, and has the same health and environmental effects regardless of source. “CAFO owners should not be exempt from reporting emissions from their operations, which are after all industrial operations producing industrial amounts of waste that include ammonia, and are not simply traditional agricultural operations.” (70)*

### **Response**

EPA does not disagree with the commenter (70) that a toxic material is a toxic material and has the same health and environmental effects regardless of the source; however, EPA believes that in this instance the source, animal waste at farms, is not one that would result in a response based on a CERCLA section 103 or EPCRA section 304 notification.

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### **Comment**

*Do not amend existing rules until monitoring study is complete. Several commenters suggested delaying amendment of existing rules until the Agency monitoring study is complete. (73, 1208) “Even though EPA says, ‘The EPA has not initiated a response to any NRC notifications of ammonia, hydrogen sulfide, or any other*



hazardous substances releases to the air where animal waste at farms is the source of that release,' this does not mean that they should not have or that the EPA will not find that these airborne contaminants are more dangerous to human health than thought. After the EPA 2 year monitoring study, which began in the spring of 2007, the EPA may find these contaminants to be a much larger issue than previously thought and be required to take serious action. Therefore, we recommend and BEG the EPA to not change the existing rules until this 2 year study is completed, analyzed, commented on by the public, and new proposed rules are developed under the new government administration and Congress.” (73)

Similarly, one commenter pointed out that the American Public Health Association, concerned by the health impacts of ammonia and other materials released from confined animal feeding operations, resolved to “urge federal, state and local governments and public health agencies to impose a moratorium on new CAFOs until additional scientific data on the attendant risks to public health have been collected and uncertainties resolved.” (881)

## **Response**

EPA neither agrees nor disagrees with the commenters' presumption that the results of the air monitoring study will reveal dangerous levels of contaminants. EPA's rationale for this administrative reporting exemption is based on the purpose of notifying the NRC when a hazardous substance is released, and then the likelihood that a response to that release would be taken by the Federal government. Upon receipt of a notification from the NRC, EPA determines whether a response is appropriate. If it is determined that a response is appropriate, the NCP regulations describe the roles and responsibilities for responding to the release. Thus, EPA considered whether the Agency would ever take a response action, as a result of such notification, for releases of hazardous substances to the air that meet or exceed their RQ from animal waste at farms. Based on EPA's experience, our conclusion is no. Specifically, to date, EPA has not initiated a response to any NRC notifications of ammonia, hydrogen sulfide, or any other hazardous substances released to the air where animal waste at farms is the source of that release. Moreover, we can not foresee a situation where the Agency would initiate a response action as a result of such notification.

Nevertheless, as stated in the preamble of this final rule, EPA is currently overseeing a comprehensive study of CAFO air emissions (air monitoring study) that is being conducted by an independent, non-profit organization. The purpose of the air monitoring study is to develop methodologies to estimate emissions from all animal agricultural operations. At the conclusion of this effort, EPA will have data to decide whether, and under what authorities, air emission controls for CAFOs are warranted.

In addition, EPA retains its authority to respond to citizen complaints of requests for assistance from state or local government agencies to investigate concerns raised by emissions from farms. Furthermore, the Agency does not need to receive such

notifications in order to enforce applicable Clean Water Act (CWA), Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), and/or other applicable CERCLA regulations at farms. EPA retains the enforcement authority to address threats to human health and the environment

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## **Comment**

*Need to track emissions to protect human health.* “We need to protect citizens from air quality problems due to factory farming. We have significant air quality problems in this county due to particulates. At the very least, we need agricultural industries to report what they are emitting into the air. According to “Air Quality and Emissions from Livestock and Poultry Production/Waste Management Systems”, prepared by Jose R. Bicudo (University of Kentucky), Richard Gates (University of Kentucky), Larry D. Jacobson (University of Minnesota), David R. Schmidt (University of Minnesota), Dwaine Bundy (Iowa State University), Steve Hoff (Iowa State University), “...even when best management systems and/or mitigation techniques are used, airborne contaminants or sub-products are generated. Contaminants may build up concentrations inside livestock and poultry buildings that result in animal and human health concerns.” The commenter also noted that “if problems occur with particulates, or with avian flu, this needs to be traceable.” (487)

## **Response**

EPA acknowledges the commenter’s concerns; however, CERCLA section 103 and EPCRA section 304 notifications were not intended to be used to track emissions. Rather those notifications are intended to alert the Federal, State and local governments that there may be a situation that merits further investigation for a possible response.

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## **Comment**

*Adverse Impact on Human Health.* Many commenters who opposed elimination of reporting requirements provided information pertaining to the health impacts associated with CAFOs. Many provided anecdotal evidence and others cited published literature drawing a causal link. This information is summarized below.

Several commenters suggested that emissions of hazardous substances do present an emergency, and in fact have resulted in death or injury at a number of facilities. (614, 989, 1214) More specifically, one commenter cited an article in the *Dayton Daily News* that reported “[a]t least 24 people in the Midwest have died from inhaling hydrogen sulfide and methane from manure since the 1970s, including fifth-generation Michigan dairy farmer Carl Theuerkauf and four members of his family, who collapsed one by one in 1989 after breathing methane gas from a manure pit.” (1214) Another commenter referred to a published report by G. Tom Tabler (project manager at University of Arkansas), indicating that large quantities of CAFO-released gases could be fatal. (482) Still another stated

that a 17 year old boy had died from an asthmatic attack associated with constant breathing irritation from the two CAFO operations surrounding his home. (1280)

One commenter referenced a paper documenting that people living near swine CAFOs experience higher rates of headaches, runny noses, sore throats, excessive coughing and diarrhea compared to people living in areas where there are no livestock operations [Chapin, A., Rule, A., Gibson, K., Buckley, T., and Schwab, K. February 2005. Airborne Multidrug Resistant Bacteria Isolated from a Concentrated Swine Feeding Operation. *Environmental Health Perspectives*, 113(2), pages 137-142.] (90)

One commenter summarized a Missouri Department of Health and Senior Services study that reported that “ambient ammonia levels downwind of a swine operation rang[ed] from 153 to 875 ppb” and that “[t]he EPA submitted comments on the Missouri study, comparing the ambient ammonia levels to recommended limits and noted that ‘the conclusion could be drawn that a public health hazard did exist at the time the ...data was acquired.’”(614)

An environmental attorney representing four families who lived next to an 8,000 head dairy feeding operations recounted how his clients had to vacate their property after being diagnosed with neurological impairment by a medical specialist, and with chronic respiratory disorders by their local primary care physician. Both physicians identified the cause of these health harms as the ammonia and hydrogen sulfide emission from the neighboring dairy farm. (262)

A February 2004 memo from EPA’s Office of Air Quality Planning and Standards concluded that exposure to ammonia emissions at the 100 pound per day level that triggers the reporting requirement could irritate the respiratory tract, eyes and mucus membranes for a few days. Exposure to hydrogen sulfide at that level could have the same but longer lasting effects accompanied by memory problems, headaches and dizziness. Commenters suggested that adverse health effects should be sufficient to continue to mandate reporting of toxic air emissions and step up enforcement, as well. (489, 781)

## **Response**

EPA neither agrees nor disagrees with the commenters’ assertions that there are adverse impacts on human health associated with emissions from CAFOs. This final rule does not limit EPA’s authority to respond to citizen complaints or requests for assistance from State or local government agencies to investigate concerns raised by emissions from farms. Furthermore, the Agency does not need to receive such notifications in order to enforce applicable CWA, CAA, RCRA, and/or other applicable CERCLA and EPCRA regulations at farms. EPA retains the enforcement authority to address threats to human health and the environment.

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### ***C. Possible Situations that Would Necessitate a Response***

#### **Comment**

*There are no circumstances where a response would be triggered. Several commenters expressed the belief that there are no conditions where a manure related release of emissions would trigger an emergency response. (894, 899, 1249, 1251)*

## **Response**

EPA acknowledges the several commenters (894, 899, 1249, 1251) that expressed the belief that there are no conditions where a manure related release of emissions would trigger an emergency response.

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## **Comment**

*Extreme weather fluctuations and various pit pumping techniques may cause emissions to exceed reportable quantities. One commenter noted that fluctuations such as "[d]ifferences in temperature, rainfall frequency and intensity, wind speed, topography and soils have a huge impact on the amount of air emissions released from farms." The commenter also cited a 2004 study titled *Concentrated Animal Feeding Operations: Health Risks from Air Pollution Institute for Agriculture and Trade Policy*<sup>2</sup>, which noted that "when pits are agitated for pumping, some or all of these gases are rapidly released from the manure and may reach toxic levels or displace oxygen, increasing the risk to humans and livestock." (851)*

## **Response**

While it may be true that extreme weather fluctuations and various pit pumping techniques may cause emissions to exceed reportable quantities, it is unclear what response the commenter had in mind.

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## **Comment**

*Emergency responses may be needed to protect children. "Emergency responses to ammonia releases from intensive animal production facilities may be required in order to protect the health of people, especially infants, children and elderly persons, who live in nearby homes and communities from elevated levels of airborne ammonia and/or the fine particulates the result from the ammonia release... Exceedances can occur through gradual or precipitous increases in ammonia releases at one or more units of a facility. Given the nature of animal production, it seems likely that gradual increases will predominate. With adequate monitoring, which can be accomplished at relatively low cost, facility operators will have sufficient warning to take remedial actions that will reduce ammonia formation and release before regulatory thresholds are breached." (881)*

## **Response**

EPA acknowledges the commenter's concerns for gradual increases in ammonia releases; however, this comment does not describe a situation where a response would be triggered

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<sup>2</sup> Available online at: <http://www.healthobservatory.org/library.cfm?refID=37388>

by a notification of the release of hazardous substances to the air from animal waste at farms.

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## **Comment**

*EPA has not examined emergency situations that may arise.* One commenter stated that EPA has not examined such situations that may arise when maintaining feeding operations and that the Agency has not proven that emergency personnel would not benefit from long term, continuous reporting of hazardous substances from these operations when attempting to save lives or prevent injury quickly in the future. (989)

## **Response**

EPA acknowledges the commenter (989) that stated that EPA has not examined such situations that may arise when maintaining feeding operations and that the Agency has not proven that emergency personnel would not benefit from long term, continuous reporting of hazardous substances from these operations when attempting to save lives or prevent injury quickly in the future. However, this comment does not describe what such a response would be.

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## **V. Regulatory Flexibility Act**

Issue: EPA proposes to eliminate the reporting requirement for releases of hazardous substances to the air from animal waste at farms, thus reducing regulatory burden. EPA expects the net reporting and recordkeeping burden associated with reporting air releases of hazardous substances from animal waste at farms under CERCLA section 103 and EPCRA section 304 to decrease. This reduction in burden will be realized by businesses of all sizes. EPA has therefore concluded that this proposed rule will relieve regulatory burden for all affected small entities. EPA continues to be interested in the potential impacts of the proposed rule on small entities and welcomes comments on issues related to such impacts.

## **Comment**

*Small farms should not be affected.* “Small farms should not be affected even if the reporting requirements stay in place because these farms do not generally have a large enough herd of animals to reach the requisite levels of toxins. Reporting requirements also should not be a hindrance to large farms. Other industries with toxic releases are not exempt from reporting obligations and have been able to survive financially. Livestock producers who are using their manure in quantities their crops can absorb are protected under the law. CERCLA includes a specific exception for the ‘normal field application of fertilizer.’ Only those livestock operators who have so much manure that they have to dump it on the land to get rid of it, rather than use it to fertilize crops, have the potential for liability under the law. In addition, any animal feeding operation that's complying with its Clean Water Act permit is already exempt from CERCLA.” (497)

One commenter explicitly concurs with EPA’s analysis and conclusion that the proposed rule will provide relief from regulatory burden for small entities. (557)

## Response

EPA agrees with both of the commenters’ assessments of the effect on small farms. With respect to the “normal application of fertilizer,” this is an exception from the definition of “release” found in CERCLA section 101(22) and does not include the word “field.” Thus the exception may be broader than an application to field(s).

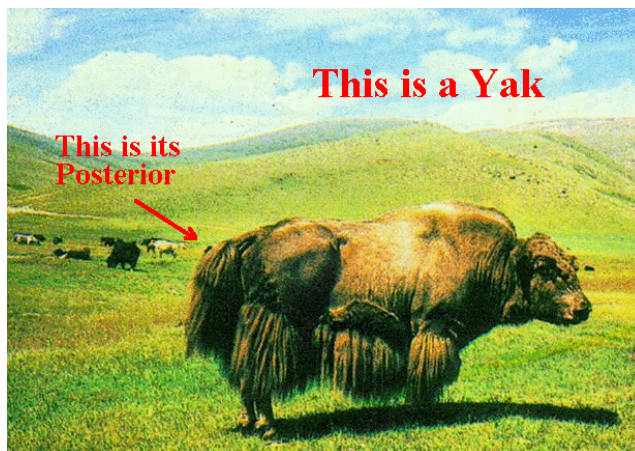
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## VI. Other

### Comment

*Submission of poetry.* Many haiku poems were submitted to the docket for this proposed rule (original haiku is identified with FDMS ID 337). The poems do not explicitly support or oppose the proposed rulemaking, though it may be inferred from the content and tone that most oppose the proposed rulemaking. One poem was accompanied by a picture, both of which are included here.

Yaks releasing gas  
Pooping yaks swim in rivers  
Yaks polluting air (387)



## Response

EPA acknowledges those who submitted poetry, we appreciate your taking the time to express your opinion(s) in a creative manner. We have interpreted these submissions to be in opposition to our proposed rule.

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### Comment

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*Use of waste for energy.* According to one commenter, there are plants that are forming in the Western part of the United States that serve as store houses for donated animal feces. The waste is stored to allow build up of methane gas and the energy source is then filtered and sent to a power plant to supply energy for thousands of residents. “Therefore, ways are trying to be made in order to use feces waste as an advantage and not to increase global warming.” (267)

## **Response**

EPA acknowledges the commenter (267) that advocates the use of feces waste as an advantage and not to increase global warming. However, that commenter does not seem to understand the purpose of the proposed rule and we consider the comment to be outside the scope of the proposed rule.

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## **Comment**

*Opening summary language of proposed rule is of concern.* “We do have concerns about EPA's opening ‘summary’ language referencing 'no change to notification requirements for releases of a hazardous substance from animal waste to any other environmental media, (i.e., soil, ground water, surface water).' EPA should be careful not to imply that releases from normal biological processes (e.g., defecation and urination) and beneficial uses of animal manure (e.g., fertilizer and bioenergy generation) are regulated under CERCLA/EPCRA. EPA has not issued any regulatory framework suggesting such a requirement. And, most importantly, this legal question is being actively litigated, but is yet undecided by the federal court (*State of Oklahoma v. Tyson Foods Inc.*). We suggest that EPA revise the affected statements by removing this clause altogether, or revising it to clarify that 'nothing in this proposal affects treatment of releases of a listed hazardous substance from animal waste to any other environmental media, (i.e., soil, ground water, surface water).'” (469, 479, 1019)

## **Response**

EPA stands by its statement that such releases of hazardous substances to other environmental media remain reportable if they meet or exceed their reportable quantity. To the extent that any of those releases are federally permitted, they are not reportable.

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## **Comment**

*Clarify intent of CERCLA/EPCRA in rule.* “In proposing an administrative reporting exemption to CERCLA/EPCRA, EPA should clarify that neither CERCLA nor EPCRA was ever intended to cover fugitive air emissions or ‘releases’ from natural biological activities resulting from animal wastes at farms. EPA should also state that Congress intended to exempt agricultural activities and natural biological activities from CERCLA/EPCRA reporting requirements.” (492)

## **Response**

EPA acknowledges the commenter's suggestions; however, we believe that such request is outside the scope of this final rule, which is to administratively exempt releases to the air of hazardous substances from animal waste at farms.

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### **Comment**

*The comment period is not sufficient for a substantive response.* " This is a complicated proposed action that will have complex indirect impacts on climate change that must be addressed. CAFOs make huge contributions through a number of impacts, including releases that will be impacted by this proposed rule-making." (556)

### **Response**

EPA acknowledges the commenter's request for a longer comment period; however, we disagree that a longer period is required. The final rule is an administrative reporting exemption from CERCLA section 103 notification requirements. EPA has not limited any of the Agency's other authorities under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA or EPCRA.

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### **Comment**

*Concentrated Animal Feeding Operations (CAFOs) hurt local economies, tourism, real estate.* A commenter notes that "[a]dding uncontrolled odor emissions will only compound [the] problem and lead to further erosion of [the] tourist and recreational resources and revenue." The commenter also notes that "any other type of business operation would not be permitted to emit these or similar kinds of air emissions" and that "[t]he farms and/or CAFOs should be held to the same standards as any other corporate or business enterprise." (1077)

### **Response**

EPA acknowledges the commenter's concerns for the local economies, tourism, and real estate; however, the final rule is an administrative reporting exemption from CERCLA section 103 notification requirements. EPA has not limited any of the Agency's other authorities under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA or EPCRA.

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### **Comment**

*Several Executive Orders are relevant to EPA's proposed rule.* "For example, Executive Order 13045 is important in light of the ever-growing body of science that links asthma to children exposed to CAFO pollution. Similarly, Executive Order 12898 is implicated because CAFO air emissions often have disproportionate impacts on rural, low-income communities." (1004)



## **Response**

The commenter (1004) pointed out that Executive Order 13045 and Executive Order 12898 are relevant to the proposed rule. EPA disagrees. Executive Order 13045 (Protection of Children from Environmental Health & Safety Risks) does not apply because the final rule does not establish an environmental standard intended to mitigate health or safety risks. Executive Order 12989 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) does not apply because the final rule does not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment, especially since EPA is not limiting any of its other authorities under CERCLA or EPCRA, such as CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA or EPCRA.

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## **VII. Comments that Indicate a Misunderstanding of the Proposed Rule**

Many comments reflect a misunderstanding of the proposed rule. These comments expressed general opposition to removing air quality and clean air standards; removing clean air protections; reducing pollution or emission standards; exemptions to clean air standards; allowing farms to emit more pollutants; deregulation of hazardous emissions; exemption from the Clean Air Act and Clean Water Act; and allowing unbridled pollution.

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## Appendix A – Table of Commenters

This attachment consists of a single table listing all submissions received and posted by the Federal Docket Management System for docket EPA-HQ-SFUND-2007-0469.

Comments containment in document numbers 496 and 1108 were withdrawn by the authors.

<b>FDMS ID</b>	<b>First Name</b>	<b>Last Name</b>	<b>Affiliation</b>
62	Diane	Kastel	
63	Nathali	Jordi	
64	Edward	Jones, Jr.	
65	Rex	Dufour	
66	Mary	Steffenhagen	
67	Andrea	Ferrante	
68	Kurt	Baumgartner	
69	Bertilia	Redfern	
70	Jerry	Jayne	
71	Bill	Chisholm	
72	George	Holliday	Holliday Environmental Services, Inc.
73	Bob	Patterson	
74	Claudia	Haynes	
75	Betty	Slifer	
76	J.	Fryberger	
77	Justin	Oldfield	California Cattlemen's Association
78	Anonymous		
79	James	Marinus	
80	Anonymous		
81	Anonymous		
82	Anonymous		
83	Laurie J.	Fischer	Dairy Business Association, Inc.
84	Caroline A.	McClimon	
85	Linda	Judd	Sierra Club Mass Mail Campaign (2,040)
86	Lane	Neal	
87	Susan	Martin	
88	Linda	Sables	
89	R.	Spaulding	
90	P.	Middleton	
91	Debra	Eades	
92	Melanja	Jones	
93	Molly	Stewart	
94	Jennifer	Bielen	
95	Susan	Dayton	
96	Marsha	McLean	

97	Leonora	Anderson	
98	L.	Dixon	
99	Richard	Andrews	
100	Lora	Winsborough	
101	Mary	Townsend	
102	Mary	Wentland	
103	Melva	Hackney	
104	Ruth	Mohr	
105	Robert	Allia	
106	Beverly	Smith	
107	Joan	Weaver	
108	Joann	Feist	
109	Cameron	Scott	
110	Tom	Heau	
111	James	Badham	
112	Charles	Wyrostok	
113	Cherie	Auckland	
114	Nicory	Madia	
115	Matthew	Emmer	
116	Ellen	Gachesa	
117	Patricia	Miller	
118	Laura	Fuderer	
119	Mary	Miller	
120	Mack	Rose	
121	Deborah	Smith	
122	Barbara	Eisenberg	
123	Heather	Payne	
124	Gayle	Janzen	
125	Patti	Wright	
126	Alva	Cullnane	
127	Rhiannon	Sorenson	
128	Matthew	Keenan	
129	Joanne	Day	
130	Sue	Milham	
131	George	Perkins	
132	Drury	Bacon	
133	Marty	Howe	
134	Lori	Lane	
135	Dianne	Miller-Boyle	
136	Anonymous		Cascade Climate Network
137	Carol	Campbell	
138	Sharon	Gross	
139	Caitlin	Christensen	
140	Hal	Martinez	
141	Edith	Davis	

142	Brenda	Breil	
143	Greg	Grigson	
144	Gregory	Karl	
145	Julia	Glover	
146	Win	Carson	
147	Walter	Winch	
148	Eileen	Arena	
149	Leo	Kuczynski	
150	Katie	Bjorkman	
151	Hugo	Benoit	
152	Mitchell	Dormont	
153	Richard	Dyer	
154	Sue	Hudson	
155	K.	Dykstra	
156	Michael	Filip	
157	Karen	Gupta	
158	Lynn	Henning	
159	Patricia	Cooke	
160	Eston	Evans	
161	Dale	Klingbeil	
162	Richard	Schneider	
163	Lois	Tutino	
164	Claudia	Lucas	
165	Susan	Chandler	
166	Richard	Cygan	
167	Sandra	Conners	
168	Dale	Dean	
169	Kristine	Hill	
170	Linnea	Fronce	
171	Charlotte	Stahl	
172	Phil	Lipari	
173	Jamie	Florida	
174	Daniel	McKinley	
175	JD	Skinner	
176	Janice	Munzke-Deal	
177	Roberta	Paro	
178	Charles	Donachy	
179	Tina	Burns	
180	Betty	Van Wicklen	
181	Holly	Lubowicki	
182	Lorna	Paisley	
183	Mary	Markus	
184	Tiffany	Haugen	
185	Gloria	Green	
186	Kristina	Watkins	

187	Laura	Garcia	
188	Susan	Goldberg	
189	Tony	Valley	
190	Siddharth	Mehrotra	
191	Paul	Mayer	
192	Jerry	Flach	
193	David	Bretschneider	
194	Nancy	Holt	
195	David	Ehrensperger	
196	Erick	Boustead	
197	Dick	Artley	
198	Robert	Kriesel	
199	Valerie	Lezin	
200	Allen	Ruddy	
201	Fred	Black	
202	Brian	Freehauf	
203	Myra	Fedyniak	
204	Michael	Strawn	
205	Laura	Phail	
206	Sidne	Baglini	
207	Dolores	Voorhees	
208	Georgeann	Calendine	
209	Dan	Cush	
210	Mark	Peterson	
211	Sheila	Desmond	
212	Melissa	Locher	
213	Melissa	Kallick	
214	J.	Knight	
215	Dwayne	Mundy	North Central Florida Regional Planning Council
216	Greg	Makepeace	
217	Amanda	Davis	
218	S.	Shultz	
219	Anonymous		
220	Linda	Neale	
221	Jeff	Borkowski	
222	Charles	Connolly	Aspen Hall Inn
223	Stacy	Soderholm	
224	A.	Maishman	
225	D.	Madsen	
226	Kathleen	Miller	
227	Sarah	Kuck	
228	L.	Richardson	
229	Anonymous		
230	Rachel	Forsmann	
231	Ron	Jeffries	Golden Manatee Trading Co.

232	Alexia	Rojahn	
233	A.	Nicole	
234	Thomas	Jones	Windt im Wald Farm
235	Elena	Harper	
236	Justine	Owen	
237	Anonymous		
238	Helen	Ackerman	
239	Jan	Balcom	
240	Erik	Nelson	
241	Jennifer	Barricklow	
242	Garreth	Mackrill	Mass Mail Campaign (327)
243	M.	Langley	
244	Brian	Jones	
245	Q.	Majeski	
246	Sharon	Grant	
247	Edye	Rowell	North Central Florida Regional Planning Council
248	Kelly	Page	
249	Cathy	McMorris	Charleys Farm
250	D.	Snyder	
251	Lisa	Ruoff	Eco-Goddess Edibles
252	Anonymous		
253	Anonymous		
254	Levin		
255	L.	Carollo	
256	Rosemary	Topar	
257	J.	Smith	
258	Anonymous		
259	Anonymous		
260	W.	Mitchell	
261	Alex	Johnson	
262	Gary	Abraham	Law Offices of Gary A. Abraham
263	David	Bemel	Action for Animals
264	Anonymous		
265	Anonymous		
266	Anonymous		
267	Anonymous		
268	Anonymous		
269	T.	Habenicht	
270	Anonymous		
271	Anonymous		
272	Anonymous		
273	Anonymous		
274	Anonymous		
275	Anonymous		
276	Anonymous		

277	Anonymous		
278	Anonymous		
279	Anonymous		
280	Anonymous		
281	Anonymous		
282	Anonymous		
283	J.	Richardson	
284	Anonymous		
285	Anonymous		
286	M.	Jordan	
287	Anonymous		
288	Anonymous		
289	Anonymous		
290	Anonymous		
291	G.	Tuttle	
292	Anonymous		
293	Anonymous		
294	Cleary	O'Farrell	Cleary O'Farrell Photography
295	Anonymous		
296	L.	Heissenbuttel	
297	Anonymous		
298	Anonymous		
299	Anonymous		
300	Anonymous		
301	Anonymous		
302	Anonymous		
303	Anonymous		
304	Anonymous		
305	Anonymous		
306	Jaclyn	Corley	
307	Anonymous		
308	Anonymous		
309	Anonymous		
310	Sarah	Alexander	Mass Mail Campaign (4,310)
311	Anonymous		
312	Anonymous		
313	Anonymous		
314	Anonymous		
315	Anonymous		
316	Anonymous		
317	Trevor	Howell	
318	Anonymous		
319	Anonymous		
320	Anonymous		
321	Anonymous		

322	Anonymous		
323	Anonymous		
324	Anonymous		
325	R.	Seltzer	
326	Anonymous		
327	Anonymous		
328	Anonymous		
329	J.	Caywood	
330	Anonymous		
331	Anonymous		
332	Anonymous		
333	Anonymous		
334	Laurrie	Stoffer	
335	R .	Riedlinger	
336	Ken	Robertson	
337	Erik	Nelson	
338	Manuel	Kaufmann	
339	Claire	Holzner	
340	Linda	Wiener	
341	Linda	Wiener	
342	Judy	Skog	
343	Bill	Bowman	
344	Doug	Brown	
345	Carrie	Schudda	
346	Denise	D'Anne	
347	Nancy	Sullivan	
348	Jennifer	Angelone	
349	Spencer	Beard	
350	Shani	Nelson	
351	Joel	Gartland	
352	Cathy	Balan	
353	Paula	Barrett	
354	Kate	McClellan	
355	Aimee	Lemrise	
356	David	Allen	
357	Charles	Walker	
358	Ken	Granelli	
359	Jeffrey	Riley	
360	Martha	Castillo	
361	A'Llyn	Ettien	
362	Cynthia	Norris	
363	Beth	Bussiere- Nichols	
364	Charmaine	Koehler-Lodge	
365	Charmaine	Koehler-Lodge	



366	Marcia	Evers	
367	John	Collins	
368	Yvonne	Osborne	
369	C.	Shandley	
370	Christine	McElroy	
371	Lois	Jones	
372	Ann	Cook-Frantz	
373	Glenn	Smith	
374	Shanon	Orrock	
375	Linda	Newman	
376	Helen	Reich	
377	Adele	Kushner	
378	Diane	Robinson	
379	Christine	Weber-Kearney	
380	Nathan	Kenworthy	
381	Donna	Noonan	
382	Anonymous		
383	Anonymous		
384	Anonymous		
385	Anonymous		
386	Justen	Pritchett	
387	Anonymous		
388	Anonymous		
389	Anonymous		
390	Henrietta	Hildebrand	Cattle Mass Mail Campaign (370)
391	Anonymous		
392	Anonymous		
393	Christy	Zimsen	
394	Charles	Silliman	Chairman, Hardy County, WV LEPS
395	Anonymous		
396	Phil	Krueger	
397	David	Lathem	Lathem Farms, Inc.
398	Mark	Fiorini	
399	Anonymous		
400	Anna	Jacus	
401	Jo Ann	McNiel	
402	Anonymous		
403	Cal	Jackson	
404	Thomas	Porter	Egg Mass Mail Campaign (13)
405	Martha	Rhoades	Poultry Mass Mail Campaign (2,537)
406	Sidney	White	
407	Linda	Newman	
408	Kathryn	Young	
409	Michelle	Smith	

410	Jane	Affonso	
411	Henry	Lagergren	
412	Barbara	Fankhauser	
413	Steve	Wells	
414	Justin	Dortwegt	
415	Therese	Dowd	
416	Craig	Bert	
417	Diana	Strong	
418	Jordan	Goldman	
419	Ben	Drenning	
420	James	Stehn	
421	Deborah	Levine	
422	Paul	Converse	
423	Kimberly	Longey	
424	Robt	Hershenow	
425	Matthew	Hein	
426	Patricia	Lyell	
427	Hannah	King	
428	Mike	Turns	
429	Meredith	Olsen	
430	Peter	Buck	
431	Marc	Poris	
432	Anonymous		
433	Bryan	Schultz	
434	Anonymous		
435	J.	Wilson	
436	Anonymous		
437	Anonymous		
438	Anonymous		
439	Jonathon	Green	Pilgrim's Pride Corporation
440	Glenn	Elzey	
441	Roger	High	Ohio Sheep Improvement Association
442	P.	Mobley	
443	Anonymous		
444	Anonymous		
445	Anonymous		Pilgrims' Pride
446	Shawn	Dady	
447	Anonymous		
448	Anonymous		
449	Anonymous		
450	Ted	Beals	
451	Anonymous		
452	Anonymous		
453	Bill	Satterfield	Delmarva Poultry Industry, Inc.
454	John	Satterfield	

455	Ron Prestage	Prestage	Prestage Farms of South Carolina, LLC
456	Anonymous		
457	Anonymous		
458	Gene	Stewart	Page County Emergency Services
459	Anonymous		
460	Anonymous		
461	Stan	Webb	
462	J.	Dean	
463	J.	Bethany	
464	M.	Morphew	
465	Jeff	Oliver	
466	Don	McKinnon	Jones County Emergency Management Agency
467	Jay	Houchin	Farbest Farms, Inc.
468	Amy	Tsui	
469	Steve	Swaffar	Kansas Farm Bureau
470	Brett	McDuffie	
471	Garnett	Bell	
472	Michelle	Andria	
473	Anonymous		
474	Anonymous		
475	James	Tarlow	New York Animal Advocates
476	Anonymous		
477	Anonymous		
478	Jessica	Lowery	
479	Ron	Litterer	National Corn Growers Association
480	Anonymous		
481	Anonymous		
482	Marita	Fields	
483	Anonymous		
484	Anonymous		
485	Anonymous		
486	Zae	Munn	
487	Jeanne	Melchior	Protect Our Woods
488	Anonymous		
489	Tim	Schleicher	
490	Gretta	Irwin	Iowa Turkey Federation
491	M.	McAtee	
492	W. Hugh	O'Riordan	Idaho Dairymen's Association
493	Gregg	Clanton	ISE America, Inc.
494	Rick	Stott	Agri Beef Co.
495	Jeremy	Rowland	Bion Environmental Technology, Inc.
496	Mat	Thomas	Withdrawn
497	Trent	Dougherty	Ohio Environmental Council
498	Robert	Symons	Harrisonburg/Rockingham County LEPC
499	S.	Roberts	

500	John	Sperry	Sperry Farms
501	W.	Wampler	Sunny Slope Farm
502	M.	Varna	
503	Maida	Genser	
504	Nancy	Caffall	
505	Sandra	Britton	
506	Michael	Kay	
507	Adriane	Dellorco	
508	Polly	Heninger	
509	Virginia	Foote	
510	Bill	Satterfield	
511	Marjorie	Van Buren	
512	Timothy	Biello	
513	Leslie	Duram	
514	James	Grimm	Texas Poultry Federation
515	Aimee	Lemrise	
516	John	Gangwer	
517	Anonymous		
518	Ron	Darnell	
519	Jennifer	Dewey	
520	Michael	Burleson	
521	Anonymous		
522	Tim	W	
523	Hugh	Weathers	South Carolina Commissioner of Agriculture
524	Anonymous		
525	Scott	Norling	
526	Scott	Johnson	
527	Kris	Kohl	
528	W.	Gordon	Washington State Dairy Federation
529	Joseph	Miller	Rose Acre Farms
530	Russell	McGee	
531	Michele	Merkel	Environmental Integrity
531.1	Michele	Merkel	Environmental Integrity
531.2	Michele	Merkel	Environmental Integrity
531.3	Michele	Merkel	Environmental Integrity
531.4	Michele	Merkel	Environmental Integrity
531.5	Michele	Merkel	Environmental Integrity
531.6	Michele	Merkel	Environmental Integrity
531.7	Michele	Merkel	Environmental Integrity
531.8	Michele	Merkel	Environmental Integrity
531.9	Michele	Merkel	Environmental Integrity
531.1	Michele	Merkel	Environmental Integrity
531.11	Michele	Merkel	Environmental Integrity
531.12	Michele	Merkel	Environmental Integrity
531.13	Michele	Merkel	Environmental Integrity

531.14	Michele	Merkel	Environmental Integrity
531.15	Michele	Merkel	Environmental Integrity
531.16	Michele	Merkel	Environmental Integrity
531.17	Michele	Merkel	Environmental Integrity
531.18	Michele	Merkel	Environmental Integrity
531.19	Michele	Merkel	Environmental Integrity
531.2	Michele	Merkel	Environmental Integrity
532	Barrie	Wilcox	Wilcox Farms, Inc.
533	Leonard	Blackham	The National Association of State Departments of Agriculture
534	C.	Davis	Poultry Mass Mail Campaign (121)
535	M.	Thomas	Mass Mail Campaign (1,405)
536	S.	Maloney	Mass Mail Campaign (3)
537	J.	Davis	Mass Mail Campaign (106)
538		G	Poultry Mass Mail Campaign (140)
539	J.	Weber	Pork Mass Mail Campaign (234)
540	S.	Senecal	
541	K.	Bounds	
542	D.	Calloway	Pebblestone Farm
543	P.	Hunter	
544	S.	Clark	
545	M.	Shaul	
546	J.	Farb	
547	H.	Lenz	
548	J.	Tunick	
549	R.	Blevins	
550	Anonymous		
551	W.	Calloway	
552	Anonymous		
553	J.	Newcombe	
554	B.	Carmean	
555	C.	Calloway	
556	George A.	Kimbrell	The Center For Food Safety
557	Kevin	Vinchattle	Iowa Poultry Association
558	D.	Brown	
559	M.	Foskey	
560	W.	Vickers	
561	James	Burnett	EMA Director, Winston County
562	B.	McCane	
563	B.	Reimbold	
564	B.	Kirby	
565	Jay	Lazarus	Dairy Producers of New Mexico
566	K.	Carmean	
567	Anonymous		
568	M.	Follansbee	

569	Anonymous		
570	J.	Vickers	
571	F.	Wells	
572	L.	Kohlberg	
573	Michael	Christensen	Flying C Farms, Inc.
574	L.	Rothrock	
575	Anonymous		
576	Anonymous		
577	Leonard	Blackham	NASDA
578	Anonymous		
579	Anonymous		
580	D.	West	
581	Anonymous		
582	Doelas	Landes	O.K. Industries, Inc.
583	Anonymous		
584	Anonymous		
585	M.	Gebhard	
586	G.	Youngblood	
587	R.	Pearce	
588	D.	Hilliard	
589	Justin	Schneider	Indiana Farm Bureau, Inc.
590	C.	Naney	
591	S.	Adams	
592	Chad	Gregory	United Egg Producers
593	Anonymous		
594	J.	Hill	
595	Anonymous		
596	Anonymous		
597	M.	Barnette	
598	Michael	Myatt	Cooperative Milk Producers Association
599	Jo	Schmidt	Salt Lake County, Utah
600	G.	Stowell	
601	M.	Wesley	
602	Anonymous		
603	A.	Montapert	
604	Anonymous		
605	Anonymous		
606	William	Hammerich	Colorado Livestock Association
607	Anonymous		
608	Anonymous		
609	Jeff	Nogan	Pennsylvania Center for Dairy Excellence and Pennsylvania Center for Beef Excellence
610	F.	Zerbe	
611	L.	Norton	
612	C.	Callahan	

613	J.	Luoma	
614	Timothy	Wheeler	Society of Environmental Journalists
615	L.	Hughes	
616	R.	Setticase	
617	Todd	LeKites	Salisbury Growout Manager, DMV South
618	D.	Foss	
619	B.	Price	
620	Anonymous		
621	Anonymous		
622	D.	Wiggins	
623	S.	Dennis	
624	M.	Sawyer	
625	Anonymous		
626	M.	Harrison	
627	K.	Osborne	
628	D.	Vieau	
629	D.	Cleven	
630	T.	Relyea	
631	R.	Morris	
632	J.	Carlile	
633	Anonymous		
634	D.	Adent	
635	B.	Renfro	
636	S.	Tenney	
637	Anonymous		
638	J.	Wilén	
639	M.	Tallant	
640	Troy	Hadríck	Butte Harding Lawrence County Farm Bureau
641	Kurt	Kreher	Kreher's Farm Fresh Eggs, LLC
642	Andy	Whittington	Mississippi Farm Bureau Federation
643	R.	Dykstra	
644	Bob	Patterson	
645	B.	Keith	
646	Colleen	Anderson	Marvin & Colleen Anderson Pullets, Inc.
647	D.	Ryman	
648	W.	Bevans	
649	Anonymous		
650	Anonymous		
651	Anonymous		
652	Larry E.	Sitzman	Nebraska Pork Producers Association
653	Tim	W.	P W Farm
654	Anonymous		
655	Anonymous		
656	Steven	Krikava	Land O'Lakes, Inc.
657	Robert	Byrne	National Milk Producers Federation

658	Anonymous		
659	Anonymous		
660	Anonymous		
661	Anonymous		
662	Anonymous		
663	Anonymous		
664	Anonymous		
665	Lisa	Griffith	National Family Farm Coalition
666	Connie	Smith	South Carolina Poultry Federation
667	T.	McDonald	
668	Anonymous		
669	G.	White	
670	Bryan	Black	National Pork Producers Council
670.1	Bryan	Black	National Pork Producers Council
670.2	Bryan	Black	National Pork Producers Council
671	A.	Unger	
672	J.	Moran	
673	J.	Faison	
674	P.	Copeland	
675	Zippy	Duvall	Georgia Farm Bureau Federation
676	V.	Crompton	
677	C.	Connell	
678	T.	Ereneta	
679	Anonymous		
680	Anonymous		
681	Anonymous		
682	Abit	Massey	Georgia Poultry Federation
683	M.	McNamara	
684	G.	Bell	
685	Shannon	Wolf	Wisconsin Pork Association
686	Bruce	Baker	Soncrest Egg Farm
687	K.	MacLellan-Cohen	
688	Eric	Pierce	Pierce Turkey Farm
689		Mattox	
690	R.	Browne	
691	Kerri	Powell	Earthjustice
693	Michele	Merkel	Environmental Integrity Project
693.01	Michele	Merkel	Environmental Integrity Project
693.02	Michele	Merkel	Environmental Integrity Project
693.03	Michele	Merkel	Environmental Integrity Project
693.04	Michele	Merkel	Environmental Integrity Project
693.05	Michele	Merkel	Environmental Integrity Project
693.06	Michele	Merkel	Environmental Integrity Project
693.07	Michele	Merkel	Environmental Integrity Project



693.08	Michele	Merkel	Environmental Integrity Project
693.09	Michele	Merkel	Environmental Integrity Project
693.1	Michele	Merkel	Environmental Integrity Project
693.11	Michele	Merkel	Environmental Integrity Project
693.12	Michele	Merkel	Environmental Integrity Project
693.13	Michele	Merkel	Environmental Integrity Project
693.14	Michele	Merkel	Environmental Integrity Project
693.15	Michele	Merkel	Environmental Integrity Project
693.16	Michele	Merkel	Environmental Integrity Project
693.17	Michele	Merkel	Environmental Integrity Project
693.18	Michele	Merkel	Environmental Integrity Project
693.19	Michele	Merkel	Environmental Integrity Project
693.2	Michele	Merkel	Environmental Integrity Project
693.21	Michele	Merkel	Environmental Integrity Project
693.22	Michele	Merkel	Environmental Integrity Project
693.23	Michele	Merkel	Environmental Integrity Project
693.24	Michele	Merkel	Environmental Integrity Project
693.25	Michele	Merkel	Environmental Integrity Project
694	Anonymous		
695	Anonymous		
696	Anonymous		
697	W.	Reding	
698	R.	E hr	
699	T.	Krell	
700	M.	Kelly	
701	E.	Bury	
702	A.	Hasse	
703	C.	Dobson	
704	G.	Boness	
705	N.	Heilmann	
706	J.	Fardue	
707	S.	Grodsky	
708	Mike	Pepper	Mississippi Poultry Association
709	John	Fisher	Ohio Farm Bureau
710	C.	Heinz	
711	D.	Dean	
712	M.	Giese	
713	Don	Daufeldt	D Daufeldt Farms
714	M.	Grindley	
715	C.	Weston	
716	M.	Flynn	
717	Tim	Wheeler	Society of Environmental Journalists
718	Mark	Salvador	Iowa Farm Bureau Federation
719	M.	Clarke	
720	M.	Anderson	

721	Mark	Dopp	American Meat Institute
722	J.	Bloom	
723	S.	Perkins	
724	M.	Yannell	
725	P.	TRUE	
726	S.	Cook	
727	A.	Forrest	
728	S.	Gunning	
729	B.	Norwood	
730	R.	McGee	
731	T.	W.	
732	J.	Liotta	
733	F.	Hasenbein	
734	M.	Lind	
735	M.	Glasgow	
736	I.	Cree	
737	S.	Stanley	
738	H.	Schmidt	
739	Lena	Hall	TN Complex of Pilgrim's Pride Poultry
740	G.	Carpiniello	
741	A.	Jarman	
742	C.	Kozower	
743	S.	Miller	
744	D.	Stormdancer	
745	D.	Painter	
746	S.	Clark	
747	E.	Livesey-Fassel	
748	J.	Dubord	
749	L.	Lindemulder Harris	
750	J.	C. Dufresne	
751	N.	Harrison	
752	J.	Palmer	
753	M.	Giese	
754	L.	Allen	
755	S.	Avery	
756	S.	Wallace	
757	Eric	Stickdorn,	Brookstone Terrace Farm
758	Keri	Powell	Earthjustice
759	G.	Thompson	
760	A.	Bowron	
761	R.	Lipovec	
762	S.	Finman	
763	C.	Eagle	
764	K.	Godell	

765	Steven	Woodruff	Woodruff & Howe Environmental
766	R.	Clayton	
767	M.	Potter	
768	T.	Schuster	
769	M.	Gargiulo	
770	Dennis	Gerber	Floating Reservoir Cover Consultant
771	B.	Reed	
772	Victor	Flatt	University of Houston Advanced Environmental Law Students
773	K.	Sellers	
774	E.	Ciregna	
775	M.	Glasgow	
776	Anissa	Reynolds	Southern Properties Realty
777	B.	Sabo	
778	P.	Holt	
779	C.	Cohn	
780	J.	Bonnheim	
781	Jill	Godmillow	Notre Dame University
782	D.	Rusch	
783	G.	Bell	
784	P.	White	
785	J.	Callas	
786	L.	Ste Marie	
787	L.	Tutino	
788	S.	Baker	
789	Anonymous		
790	K.	Lancor	
791	L.	Cornelison	
792	K.	Kremer	
793	M.	Dube	
794	Anonymous		
795	E.	Schulmiller	
796	R.	Burns	
797	F.	Tutt	
798	J.	Essex	
799	L.	Ogden	
800	S.	Broughton	
801	L.	Whalen	
802	G.	Nofsinger	
803	D.	Blake	
804	R.	Eisele	
805	N.	Ness	
806	Dustin	Cox	Kane County Farm Bureau
807	Bina	Robinson	Citizens for Planetary Health
808	J.	Hallahan	

809	R.	Vaught	
810	S.	Nemour	
811	G.	Eddie	
812	P.	Gibbons	
813	M.	Sprague	
814	B.	Rapach	
815	Tamara	Thies	The National Cattlemen's Beef Association
816	M.	Nochimson	
817	L.	Howe	
818	Anonymous		
819	K.	Houlihan	
820	J.	Linton	
821	J.	Neilson	
822	B.	A. Pieplow-Galey	
823	C.	O'Meara	
824	K.	Hart	
825	S.	Arnold	
826	S.	Righi	
827	M.	Herring	
828	G.	Hasapidis	
829	C.	Elliot	
830	P.	Best	
831	B.	Dale	
832	D.	Homer	
833	A.	Hammond	
834	A.	Holt	
835	K.	Inomata	
836	K.	Samoranos	
837	D.	Hatfield	
838	S.	Brown	
839	K.	Corwin	
840	C.	Huspeka	
841	Tamra	Langford	Perdue Farms
842	J.	Erb	
843	S.	Moore	
844	J.	Anderson	
845	A.	Miller	
846	J.	Gartside	
847	K.	Rallo	
848	E.	Saldana	
849	Michael	Cline	Virginia Department of Emergency Management
850	Steven	Olsen	Minnesota Turkey Growers Association & Broiler and Egg Association of Minnesota
851	Meredith	Niles	Cool Foods Campaign Coordinator

852	George	Watts	National Chicken Council
853	S.	Cox	
854	R.	Watkins	
855	K.	Martellaro	
856	D.	Whitmire	
857	J.	Curtis	
858	A.	Kroeger	
859	L.	Lewis	
860	S.	Sor-Lokken	
861	M.	Strother	
862	R.	Cappelletti	
863	J.	Perkins-Buzo	
864	N.	Medved	
865	V.	Pena	
866	J.	Pendergast	
867	S.	Cox	
868	T.	Adams	
869	J.	Walford	
870	C.	Elk	
871	C.	Soraghan	
872	D.	Radell	
873	S.	Fortunak	
874	Bryant	Worely	North Carolina Poultry Farmers
875	C.	TRUE	
876	B.	Oakley	
877	L.	Syverud	
878	J.	Plapinger	
879	C.	Carter	
880	J.	Compere	
881	P.	Costner	
882	Jim	Krahn	Oregon Dairy Farmers Association
883	Craig	Head	Nebraska Farm Bureau Federation
884	S.	DeWeerd	
885	Susan	Joy	Nebraska Poultry Industries
886	Kathleen	Reuter	Western United Dairymen
887	Shelia	Burkhardt	Michigan Milk Producers Association
888	Tom	Stroda	Kansas Polk Association
889	Mike	Billotte	United Dairymen of Arizona
890	Joe	Whorley	Dakota Layers
891	Tom	Miller	Arizona Pork Council
892	Jim	Carroll	Dairy Farmers of America
893	Kim	Stefanik	Stefanik Farm Inc.
894	Caroline	Potter	The Northeast Dairy Producers Association Inc.
895	J.P.	Cativieta	Community Alliance for Responsible Environmental Stewardship

896	David	Fuhrmann	Foremost Farms USA
897	Zippy	Duvall	Georgia Farm Bureau Federation
898	Wenonah	Hauter	Food and Water Watch
899	Scott	Jones	South Dakota Cattlemen's Association
900	Patricia	Martin	Safe Food and Fertilizer
900.1	Patricia	Martin	Safe Food and Fertilizer
900.2	Patricia	Martin	Safe Food and Fertilizer
900.3	Patricia	Martin	Safe Food and Fertilizer
901	William	Hammerich	Colorado Livestock Association
902	Timothy	Wheeler	Society of Environmental Journalists
903	D.	Olsen	Briarwood Farms-Rochester
904	Duane	Olsen	Briarwood Farms-Rochester
905	J.	Sweeney	
906	L.	McCrink	
907	P.	McAlpin	
908	K.	Isaacs	
909	K.	Seabrook	
910	J.	Vragel	
911	S.	Tansky	
912	N.	Holt	
913	D.	Serotta	
914	C.	Orth-Pallavicini	
915	K.	Simmons	
916	G.	Shaeffer	
917	J.	Gingerich	
918	D.	Cognata	
919	T.	Kopel	
920	N.	Gregory	
921	C.	Rodger	
922	J.	Frank	
923	S.	McRae	
924	C.	Freckmann	
925	Jay	Bryant	Maryland and Virginia Milk Producers Cooperative
926	R.	Modrow	
927	Tarah	Heinzen	Northwest Environmental Defense Center
928	Mark	Dopp	American Meat Institute (AMI)
929	Robert	Foster	Foster Brothers Farm Inc. and President, Vermont Natural Ag Products
930	Jeff	Mayo	Neshoba County Emergency Management Agency
931	George	Pettus	North Carolina Polk Council
932	W.	Edmonton	Attorney General of Oklahoma
933	J.	Schochet	
934	F.	Greenlee	
935	M.	Neidell	

936	B.	Imam	
937	S.	Gross	
938	Kevin	Vinchattle	Iowa Poultry Association
939	David	Sutherland	Sunrise Farms, Inc.
940	M.	C. Liberman	
941	K.	Burroughs	
942	W.	Schmidt	
943	William	Faulkenberry	White Tail Falls Farm
944	G.	Philbin	
945	M.	Andria	
946	M.	Hadcock	
947	L.	Whitney	
948	J.	Holmes	
949	N.	McDonald	
950	C.	Allman	
951	A.	Cohen	
952	K.	Eble	
953	R.	Roberts	
954	D.	Gardecki	
955	K.	Gholson	
956	A.	Sen	
957	J.	Meeks	
958	E.	Kimber	
959	E.	Ward	
960	M.	Meininger	
961	J.	Wolfson	
962	D.	Tynan	
963	K.	Gubrud	
964	C.	Bunker	
965	N.	Fleming	
966	J.	Biss	
967	S.	Billman	
968	G.	Cavanaugh	
969	R.	Rhoads	
970	J.	Conway	
971	N.	Quinones	
972	V.	Nachmias	
973	V.	Gibbs	
974	S.	Nemour	
975	T.	Morrow	
976	D.	Murphy	
977	J.	Vincent	
978	R.	Baumgartner	
979	J.	Tanner	
980	B.	Tache	

981	J.	Burkel	
982	John	Di Turo	Aqua Dynamic Solutions, LLC
982.1	John	Di Turo	Aqua Dynamic Solutions, LLC
982.2	John	Di Turo	Aqua Dynamic Solutions, LLC
983	Jamie	Burr	Tyson Foods, Inc. (Tyson)
984	E.	Frounfelter	
985	A.	Olson	
986	D.	Cain	
987	W.	Dehaven	American Veterinary Medical Association (AVMA)
988	D.	Berthiaume	
989	Jessica	Werber	Environmental Integrity Project
990	Timothy	Gabelhouse	National Association SARA Title III Program Officials
991	Calvin	Parnell	Department of Biological and Agricultural Engineering, Texas A & M
992	R.	Roman	
993	T.	Lister	
994	Montressa	Elder	Oklahoma Hazardous Materials Emergency Response Commission
995	C.	Etchison	
996	Anonymous		
997	J.	Wilson	
998	Tood	Staples	Texas Department of Agriculture
999	D.	Roe	
1000	C.	Yost	
1001	L.	Williams	
1002	A.	Rauch	
1003	C.	Ebey	
1004	Charles	Tebbutt	Western Environmental Law Center
1004.1	Charles	Tebbutt	Western Environmental Law Center
1004.2	Charles	Tebbutt	Western Environmental Law Center
1004.3	Charles	Tebbutt	Western Environmental Law Center
1004.4	Charles	Tebbutt	Western Environmental Law Center
1004.5	Charles	Tebbutt	Western Environmental Law Center
1005	R.	Downing	
1006	J.	Coalgate	
1007	Laki	Tisopulos	South Coast Air Quality Management District (SCAQMD)
1008	George	Pettus	North Carolina Pork Council
1009	Robert	Bloxom	Commonwealth of Virginia office of the Governor
1010	Ronald	Shortridge	Cattle Empire, LLC
1011	Edward	Olivera	Olivera Foods Ranch-Pak Eggs
1012	Tom	Silva	JS West and Companies
1013	Conrad	Boeck	Featherland Egg Farms
1014	Brian	Bookey	National Food Corporation



1015	Philip	Sonstegard	Sunrise Farms, Inc.
1016	D.	Applebaum	
1017	Abit	Massey	Georgia Poultry Federation
1018	H.	Brandenburg	
1019	Evan	Teague	Arkansas Farm Bureau Federation
1020	L.	Sutula	
1021	S.	Guldenbrein	
1022	Tom	Fleming	Ohio Dairy Producers Association and Dairy Producer, Allen Co.
1023	Eldon	McAfee	Iowa Pork Producers Association
1024	Phil	Overdorf	Phil Overdorf Farms
1025	Elenore	Gordon	
1026	Robert	Pike	Braswell Foods
1027	Dennis	Hughes	Foodonics International, Inc.
1028	Roger	Seger	Wabash Valley Produce, Inc.1
1029	Linda	Balfour	
1030	Phil	Pverdorf	Phil Overdorf Farms
1031	Dick	Isler	Ohio Pork Producers Council
1032	Helen	Salka	
1033	Zippy	Duvall	Georgia Farm Bureau Federation
1034	Hobey	Bauhan	Virginia Poultry Federation
1035	Jaclyn	Cunningham	MatlinPattersob Global Advisors
1036	Betty	Ronour	
1037	Jane	Edsall	
1038	Sally	Small	
1039	Roberta	Evres	
1040	Ross	Wilson	
1041	Timothy	Wheeler	Society of Environmental Journalists
1042	Todd	Haymore	Department of Agriculture and Consumer Services, Commonwealth of Virginia
1043	Debra	Murdock	Pacific Egg and Poultry Association
1044	Todd	Staples	Texas Departmen of Agriculture
1045	Jean	Bradley	
1046		Anonymous	
1047	Jay	Forman	
1048	Jim	Mansfeld	
1049	Patricia	Cachopo	
1050	Gary	Cooper	
1051	David	Waide	Mississippi Farm Bureau Federation
1052	Jerry	Welch	
1053	Gary	Cooper	
1054	Lindsay	Venele	
1055		Tenga	
1056		Anonymous	National Family Farm Coalition
1057	Herbert	Schick	Pennsylvania Pork Producers Council

1058	Michael	Scuse	Department of Agriculture, State of Delaware
1059	Richard	Bell	Arkansas Agriclutre Department
1060	Patricia	Campbell	
1061	Richard	Patmos	
1062	Phil	Borgic	Illinois Pork Producers Association
1063	Thomas	Sauls	
1064	Kendall	Pigg	
1065	Brandon	Olson	
1066	Brabara	Keenean	
1067	James	Canlet	
1068	Richard	Plum	
1069	Jason	Dalrymple	
1070	Jessica	Werber	Environmental Integrity Project
1071	James	Sullivan	
1072	Christian	Berger	
1073		Anonymous	
1074	Bill	Young	
1075		Anonymous	
1076	Gary	Ward	
1077	David	McDonald	
1078	James	Laursen	
1079	Marietta	Scaltrito	
1080	Barbara	Boodie	
1081	Janice	Reine	
1082	Jerry	Welch	
1083	Gregg	Clanton	
1084	Judith	McKellips	
1085	Stanley	Young	Texas Pork Producers Association, Inc.
1086	Brandon	Amoroso	
1087	Helen	Greer	
1088	Helena	Melone	
1089	Richard	Patten	
1090	Theresa	Galvin	
1091	T	Dawson	
1092	Helen	Decker	
1093	Shellee	Davis	
1094	Ida	DelVecchio	
1095	Ronald	Gayman	
1096	Ed	Henderson	
1097	Kathi	Kruse	
1098	Katherine	Melmoth	
1099	Alfred	McGlinsky	
1100	Ben	Coleman	
1101	Gus	Douglass	West Virginia Department of Agriculture
1102	Haven	Hendricks	Utah Pork Producers

1103	Craig	Giroux	Giroux's Poultry Farm, Inc.
1104	Suellen	Savukas	
1105	Gary	Yew	Shenandoah County Department of Fire and Rescue
1106	Nancy	Mroczek	
1107	Terri	Franks	State of Arkansas Hazardous Materials Emergency Response Commission
1108	Clayton	Kuhles	Kuhles Capital, LLC - Withdrawn
1109	Blair	Hagy	Kofkoff Egg Farms
1110	Scott	Patton	Delta Egg Farm
1111	Ray	Noecker	Ohio Pork Producers Council
1112	J		Stiebrs Farms, Inc.
1113	Mike	Surles	Premier Farms
1114	Joe	Raith	Morning Fresh Farms
1115	Neil	Carman	Sierra Club
1116	Timothy	Weaver	Weaver Bros., Inc.
1117	K	Bush	
1118	John	Brown	Idalou Egg Ranch
1119	Jim	Fisher	Missouri Pork Association
1120	Donna	Lanciotte	
1121	Robert	Krouse	Midwest Poultry Services, L.P.
1122	Marilynn	Grismore	
1123	Nazen	Merjian	Voices for Animals
1124	Felix	Vescio	
1125	Richard	Hiers	
1126	George	Bowman	
1127	Margaret	Becker	
1128	Ingrid	Shipp	Egg Master Farm
1129	Elaine	Charowski	
1130	Gary	West	JS West and Companies
1131	Mallie	Comos-Snider	Hardy County Rural Development Authority
1132	Ronald	Ballew	Hillandale Gettysburg LP
1133	Derek	Yancey	Morning Fresh Farms
1134	Robert	S	Nature's Best Egg Company, Inc.
1135	Janice	Emich	
1136	Nell	Rando	
1137	Sheila	Schmidt	Schwartz Farms
1138	John	Tallas	Coffee County Office of Emergency Management Office of Homeland Security
1139	Barbara	Matthes	
1140	Phillip	Wise	
1141	Mitchell	Aaron	Mass Mail Campaign (16)
1142	Glenn	Esbenshade	Esbenshade Farms
1143	Kent	Woodward	Oakdell Egg Farms, Inc.
1144	John	Adams	Alabama Poultry & Egg Association
1145	B.J.	Fordham	

1146	Rigoberto	Jacobo	Boulder Valley Poultry, Inc.
1147	Cathy	Liss	
1148	Robert	Howell	Georgia Egg Association
1149	Julian	Price	
1150	Jere	Wilkerson	
1151	J.	Noggle	
1152	Christopher	Ebenshade	Ebenshade Farms
1153	Kenneth	Pauze	Southern New England
1154	Dolph	Baker	Cal Maine Foods Inc.
1155	Sam	Hines	Pork Producers in Michigan
1156	Kenneth	Ferrell	MFA Incorporated
1157	Rodney	Wagner	Green Valley Poultry Farm Inc.
1158			Shepherd's Processed Eggs
1159	Nancy		
1160	Joseph	Miller	Rose Acre Farms
1161	S.	Melling	
1162	M.	Wood	
1163	Gregg	Herbruck	
1164	Tim	Wheeler	
1165	D.	Craven	
1166	R.	Simpson	
1167	Chuck	Bell	
1168	Katie	Smith	Mississippi Department of Agriculture
1169	D.	Efron	
1170	M.	Efron	
1171	William	Hammerich	Colorado Livestock Association
1172	A.	Blackwelder	
1173	Brent	Booker	Charm Egg Distributors
1174	J.	McKellips	
1175	V.	De Wendt	De Wendt Poultry LLC
1176	Don	Ericson	Kandiyohi County Emergency Management
1177	M.	Garvey	
1178	T.	Seltzer	
1179	S.	Nichols	MCM Poultry Farm
1180	Abit	Massey	Georgia Poultry Federation
1181	D.	Rettig	Rembrandt Enterprises
1182	B.	Kohler	
1183	M.	Puglisi	Puglisi Egg Farms
1184	D.	Wheatley	
1185	M.	Foster	
1186	M.	Funk	
1187	P.	Chavis	
1188	T.	Bebee	Michael Foods Egg Products Company
1189	M.	Friedow	Sparboe Farms, Inc.
1190	S.	Gemperle	Gemperle Enterprises

1191	S.	Troxler	North Carolina Department of Agriculture and Consumer Services
1192	B.	Russell	
1193	J.	Methany	Kent County Department of Public Safety
1194	E.	Pool	New Jersey Farm Bureau Dairy Committee
1195	Richard	Jenkins	Jenkins Poultry Farms
1196	Robert	Symons	County of Rockingham Department of Fire and Rescue
1197	R.	Bell	
1198	Susan	Joy	Nebraska Poultry Industries, Inc.
1199	Don	Brown	McAnally Enterprises, L.L.C.
1200	Bruce	Brown	
1201	Jay	Lazarus	Dairy Producers of New Mexico
1202	R.	Willin	Willin Farms Inc.
1203	F.	Enders	
1204	G.	Culuko	
1205	L.	Hunt	
1206	Tommy	Irvin	Georgia Department of Agriculture
1207	K.	Malo	
1208	Carrie	LaSeur	Plains Justice
1209	Gary	Foster	Eggs West
1210	Kathy		
1211	R.	Welborn	
1212	Ronald	Gross	Hemmelgarn & Sons
1213	L.	Mattinen	
1214	Catherine	Fitzsimmons	Air Quality Bureau of Iowa
1215	Don	Brown	McAnally Enterprises Inc.
1216	John	Zoet	Zoet Poultry Inc.
1217	Robert	Michael	R.C. Michael Company Inc.
1218	Craig	Willardson	Norco Ranch Inc.
1219	Dwight	Potter	Circle Four Farms
1220	Evelyn	Stanton	
1221	Janine	Weeks	
1222	D.	P.	Rigtrup Egg Farm, LLC
1223	Margaret	Reier	Minnich Poultry
1224	Lester	Spell	Department of Agriculture and Commerce, State of Mississippi
1225	Louise	Mariana	
1226	Anonymous		
1227	Mark	Davis	
1228	Pat	Hackett	
1229	Kim	Smith	
1230	Nancy	Erickson	Natural and Environmental Resources, Illinois Farm Bureau
1231	Linda	Burlingame	

1232	Brooke	Mays	
1233	Steven	Creel	
1234	Marcus	Braswell	
1237	Barbara	Roush	
1238	Jackie	Lopez	Rocky Mountain Clean Air Action
1239	Scheuermann	Karen	
1240	Richard	Stahlhut	
1241	Judy	Stover	
1242	S.	Wald	
1243	D.	Mitchell	
1244	Ngaz	Emily	
1245	A.	Evers	
1246	Alisa	Gaston-Linn	
1247	Emily	Horton	
1248	Ruth	Allen	
1249	Shawn	Reiersgaard	
1250	W.	Hunter	
1251	John	Bosma	
1252	Katie	Frazier	Virginia Agribusiness Council
1253	Dana	Braswell	
1254	William	Davis	
1255	Barb	Ellis	
1256	Shirley	Cotrotsos	
1257	Theresa	Benda	
1258	Lee Ann	Reinfeldt	
1259	Stan	Dorman	
1260	Monte	Terry	
1261	Shockey	R.	
1262	Eric	Gonder	
1263	Terry	Maness	
	Nancy		
1264	Allison	Coleman	
1265	Patty	Baxter	
1266		Anonymous	References comments by John Dingell
1267	Judith	Peterson	
1268	Noel	Anderson	
1269	Barbara	Fullerton	
1270	Linda	Kalof	
1271	Rhedona	Rose	Tennessee Farm Bureau
1272	Mike	Snow	
1273	Dana	Kindermann	
1274	Terri	Wolf-King	
1275	Michael	Joyce	
1276	Debbie	Goodman	
1277	Kathy	Barrett	Cayuga Martketing LLC.

1278	Leocadie	Welling	
1279	Judith	Embry	
1280	Diana	Obenauer	
1281	Isaac	Singletary	
1282	William	Davis	
1283	Amber	Pool	Mass Mail Campaign (5)
1284	Shanon	Melling	
1285	Mitch	Lutz	
1286	Jana	Harker	
1287	Virginia	Ayers	
1288	Karen	Chamberlain	
1289	Jane	Bowhers	
1290	Ellen	Hackett	
1291	Nell	Wulff	
1292	Joel	Starkey	
1293	Nancy	Starkey	
1294	Therese	Slack	
1295	Simon	Validzic	
1296	Michelle	Gramza	
1297	Williard	Everhart	
1298	Dustin	Catoe	
1299	Rex	Catoe	
1300	Israel	Boone	
1301	Gerry	Meyer	
1302	Jamie	Gainey	
1303	Eric	Hoyer	
1304	David	Maturen	
1305	Kendall	Pigg	
1306	Eric	Horton	
1307	Joel	Ginsburg	
1308	Sheila	Horton	
1309	Frances	de Usabel	
1310	Katherine	Gifford	
1311	Kim	Chase	
1312	AnnMarie	Miller	
1313	Laura	Kenyon	
1314	Tony	Deese	
1315	Louise	Heenan	
1316	Jon	Ramold	
1317	Susan	Burkhalter	
1318	Brenda	Oliver	
1319	Scarlette	Rouse	
1320	Adam	Snyder	
1321	Marshall	Oliver	
1322	Lawayne	Garrett	

1323	Pat	McKnight	
1324	Shannon	Horton	
1325	Darlene	Snyder	
1326	William	Boone	
1327	Ilana	Blatt-Eisengart	
1328	Kathy	Catoe	
1329	Bea	Elliott	
1330	Timmy	Campbell	
1331	June	Wilson	
1332	Cindy	Orcutt	
1333	Bethany	Pugh	
1334	Steven	Baxter	
1335	Anne	Millhollen	
1336	Donna	Arauz	
1337	Michael	Price	
1338	Gregory	Cooper	
1339	Diane	Schroeder	
1340	Rita	Robinett	
1341	Corey	Gardner	
1342	Chris	Chinn	
1343	Coleen	Mackin	
1344	Anonymous		
1345	Eric	Nelson	
1346	Maureen	Edwards	
1347	Wayne	Jamie	
1348	Gary	Bogue	
1349	D.	Deem	
1350	Steven	Frischknecht	Mass Mail Campaign (15)
1351	Michelle	Hunt	
1352	Cindy	Walsh	Pfizer Global Manufacturing
1353	Mary	Bruner	
1354	B.D.	Knopf	



## **Appendix B – Summary of Attachments Submitted by Environmental Integrity and Earthjustice to Docket EPA-HQ-SFUND-2007-0469-531**

On December 28, 2007, EPA published a notice of proposed rulemaking titled, “CERLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste” (December 28, 2007 72 FR 73700). This document summarizes documents submitted in response to the Agency’s request for comment on the proposed rule. Specifically, this document summarizes 20 attachments provided as submission EPA-HQ-SFUND-2007-0469-531 from Environmental Integrity and Earthjustice.

**Attachment 531.1:** This document is not available in FDMS since it is a copyrighted publication and may not be reproduced without consent of the copyright holder. Therefore, no summary is provided.

**Attachment 531.2:** “Increased Animal Waste Production From Concentrated Animal Feeding Operations (CAFOs): Potential Implications for Public and Environmental Health.” Nebraska Center for Rural Health Research, January, 2000.

*Summary* – The purpose of this document is to present background information about Concentrated Animal Feeding Operations (CAFOs) from a public health perspective. At the center of public and environmental health discussions concerning the implications of larger and fewer livestock production operations is the increased production of manure per operation. Public health advocates are becoming concerned that as the amount of manure produced in a concentrated area increases, traditional handling techniques may become less effective, and the manure may eventually pose a threat to the public and the environment.

**Considerations for Occupational Health:** There are several occupational hazards associated with working in livestock operations of all types and sizes. The risk for chronic disease development, such as asthma-like syndrome, asthma, bronchitis, and mucus membrane inflammation syndrome, does appear to be linked to occupational exposure to endotoxins, gases, and dust.

**Considerations for Community Health:** A table summarizes recently published research about how residents living near intensive livestock farming operations may be affected by odors and other airborne emissions from CAFOs. Also, there is some concern that flies will carry microbes that cause dysentery and diarrhea. Another concern is that large amounts of manure will lead to the transmission of manure based pathogens to residents who live in close proximity.

**Considerations for Environmental and Public Health:** When manure is spread over crops and pasture lands there is the possibility that the application of nutrients may exceed crop nutrient requirements.

*Relevance to Reporting Exemption* – Document discusses harm and exposure issues related to large quantities of manure.

**Attachment 531.3:** This document is not available in FDMS since it is a copyrighted publication and may not be reproduced without consent of the copyright holder. Therefore, no summary is provided.

**Attachment 531.4:** “Ammonia Emission Factors from Swine Finishing Operations.” D. Bruce Harris, Richard C. Shores, and Larry G. Jones, Environmental Protection Agency, Office of Research and Development, National Risk Management Research Laboratory, Research Triangle Park, NC. No date.

*Summary* – Concentrated animal feeding operations are being examined in several regions of the U.S. as major sources of ammonia and particulate matter precursors. The National Risk Management Research Laboratory (NRMRL) has previously measured ammonia concentrations around and estimated emissions from a swine production facility. This paper presents the results from two new studies at swine finishing facilities. New data are collected for tunnel-ventilated pull-plug swine finishing barns using chemiluminescent ammonia measurements from the exhaust fans. Open-path Fourier transform infrared (OP-FTIR) measurements of a naturally ventilated pit recharge barn and its lagoon are used to develop emission factors in the second study. The data suggest that the barns are a significant source of ammonia, and that the current emission factors are not markedly different from these new data.

*Relevance to Reporting Exemption* – Document discusses harm and exposure issues related to large quantities of manure.

**Attachment 531.5:** “Emissions from Animal Feeding Animal Operations, Draft.” U.S. Environmental Protection Agency, August, 2001.

*Summary* – Individual farm operations can confine as many as 10's or 100's of thousands of animals each year. Currently, the trend in most animal sectors is for continued consolidation of production at even larger operations. These large operations must store large amounts of manure because the amount of manure generated exceeds the agronomic demands of local crop land. The microbial breakdown of the organic carbon and nitrogen compounds in manure can result in odors and other emissions to the air. This report presents the results of a preliminary investigation into air pollution from large animal feeding operations (AFOs) for the beef, dairy, swine, and poultry (broilers, layers, and turkeys) animal sectors.

The fundamental goal of this study was to develop a method for estimating emissions at the individual farm level that reflects the different animal production methods that are commonly used at commercial scale operations. The approach to this study was to: (1) identify the manure management systems typically used by large animal feeding

operations for each animal sector, (2) develop model farms based on individual elements of those systems (i.e. confinement, manure collection system, storage sites, land application), (3) search the literature for emission factors that could be associated with each element of the model farm, and (4) apply the emission factors to the model farms to estimate annual mass emissions. The report also summarizes information on emission control techniques that was found in the literature.

The literature search identified a number of control practices that in theory are possible options for reducing the emissions from confinement facilities, manure management systems, and land application. Chapter 9.0 identifies more than 20 technologies that have been used to some extent at full-scale operations in the industry.

*Relevance to Reporting Exemption* – Documents provides estimates of ammonia, nitrous oxide, methane, hydrogen sulfide, PM, and volatile organic compound (VOC) emissions from farms.

**Attachment 531.6:** Environmental and Economic Benefit Analysis of Proposed Revisions to the National Pollutant Discharge Elimination System Regulation and the Effluent Guidelines for Concentrated Animal Feeding Operations. U.S. Environmental Protection Agency, January, 2001.

*Summary* – U.S. livestock and poultry production has risen sharply since the 1970s, resulting in an increase in the amount of manure and wastewater generated annually. As production has increased, the U.S. livestock and poultry sectors have also consolidated animal production into a smaller number of larger-scale, highly specialized operations that concentrate more animals (and manure) in a single location. At the same time, significant gains in production efficiency have increased per-animal yields as has the rate of turnover of animals between farm and market. These large animal feeding operations (AFOs) can present considerable environmental risks because they often do not have an adequate land base for manure disposal through land application. As a result, large facilities must incur the risks associated with storing significant volumes of manure, or must attempt to maximize the application of manure to the limited land they have available. By comparison, smaller manage fewer animals and tend to concentrate less manure nutrients at a single location. These operations are more likely to have sufficient cropland and fertilizer needs to land apply manure nutrients generated at a livestock or poultry business.

Since the 1970s, the combined forces of population growth and re-location of operations closer to consumer markets and processing sectors have resulted in more AFOs located near densely populated areas. The paper reports that surface waters in these areas face additional stresses from urban runoff and other point sources. The proximity of large AFOs to human populations thus increases the potential for human health impacts and ecological damage if manure and wastewater at AFOs is improperly discharged.

*Relevance to Reporting Exemption* – Document discusses harm and exposure issues.

**Attachment 531.7:** “Environmental Assessment of Proposed Revisions to the National Pollutant Discharge Elimination System Regulation and the Effluent Guidelines for Concentrated Animal Feeding Operations.” U.S. Environmental Protection Agency, January, 2001.

*Summary* – The purpose of this document is to provide a broad and qualitative assessment of the human health and ecological impacts associated with the release of waste from concentrated animal feeding operations and to assess potential and reported benefits of the implementation of the proposed revisions for the National Pollutant Discharge Elimination System.

The animal feeding operation industry has undergone significant changes, particularly with regard to the increased concentration of confined production units and the large amount of waste associated with them.

The major pollutants of concern associated with animal feeding operations are nutrients, like nitrogen, phosphorus and potassium, nitrogen compounds, phosphorus compounds, ammonia, pathogens, organic matter, salts and trace elements, antibiotics, hormones, and others like particulates and pesticides.

The transport of pollutants can occur through various vectors such as runoff, erosion, discharge to air and subsequent deposition, or directly to surface waters. The potential hazards from AFO pollutants can affect surface water, ground water, air and soil, thus the detrimental impacts on human health and the environment should be of great concern.

*Relevance to Reporting Exemption* – The document addresses the potential harm that ammonia exposure from AFOs can cause to human health and the environment.

**Attachment 531.8:** Iowa Concentrated Animal Feeding Operations Air Quality Study – Final Report. Iowa State University and the University of Iowa Study Group, February 2002.

*Summary* – This document provides a collection of studies that describe the CAFO industry in Iowa and its impact on human and animal health. Specifically, the document provides a review of research and peer-reviewed literature on the emission rates and emission models for dispersion of gases from CAFOs. Emissions originate from the housing ventilation air, manure storage units, and during land application of manure. Refereed publications were sought that identified ammonia, methane, hydrogen sulfide, particulate, bioaerosol, and volatile organic compound (VOCs, including “odor”) emission from swine, dairy/cattle, and poultry production systems. The vast majority of published data is related to ammonia emission, and where available, the remaining components were cited and reported. A lack of data exists that reports downwind concentration of gases and particulates from CAFOs as a function of facility type and emission rate.

The document also provides a evaluation of the health effects of airborne substances released from animal production units and states that a valid evaluation should be based on the important and well-established toxicological principles of dosage and response. Many factors can alter animal or human response to toxicants, including those inherent in

the toxicant, the organism, the environment and the combinations of these major factors. Response to exposure by airborne toxicants is likely to involve the respiratory system because it is a portal of entry. Study of CAFO issues suggests consideration of the mechanisms of injury by volatile agents and particulates, as well as understanding the potential effects of both acute and chronic exposure. The study indicates that respiratory system effects are manifest in relatively limited ways (bronchoconstriction, pulmonary edema, asthma, carcinogenesis), and careful attention must be given to evidence for cause and effect from among a wide range of insults and levels of exposure.

The document reports that exposure to high concentrations of ammonia result in severe damage to the upper and lower respiratory tract and alveolar capillaries in humans. Controlled studies with hydrogen sulfide in laboratory animals have shown that levels of 500 ppm or greater are likely to be lethal, similar to the response observed in humans. Exposure to sub-lethal levels of hydrogen sulfide have produced progressive effects ranging from increased respiratory rate, to pulmonary edema, to histopathological changes in the nasal cavity and lung tissue. Endotoxins, glucans, and microorganisms may be important components of bioaerosols associated with animal production units. Inhalation of these compounds has been shown to produce respiratory system effects including airway constriction and obstructive breathing pattern, inflammatory tissue responses, and overt infection of lung tissue.

*Relevance to Reporting Exemption* – This document provides a collection of studies describing CAFO industry structure and trends in Iowa, air quality issues, emissions and community exposures from CAFOS, fate and transport of air pollutants from CAFOs, adverse health effects in humans and animals, and social and community impacts.

**Attachment 531.9:** Letter from the U.S. House of Representatives Committee on Energy and Commerce dated March 28, 2008.

*Summary* – This letter raises questions pertaining to the legitimacy of the proposed exemption and discusses why the exemption is ill-considered and contrary to public interest.

The letter indicates that the Congressional Research Service (CRS) uncovered that most of the 26 comments from State and local emergency response agencies that the EPA refers to as supporting the exemption as a part of their justification for the proposed rule are essentially duplicates of each other employing identical text. Even so, the number of those responses is too small to represent all of the local emergency planning commissions and State emergency response commissions. Many of the opposition letters from the State and local air pollution control agencies are largely going ignored by the EPA.

Several EPA reports have stated that ammonia exposure may lead to severe detrimental health effects including burns on the skin, eyes, throat and lungs. EPA scientists have also examined the possibility of acute detrimental health effects from exposure to hydrogen sulfide, downwind effect of which can have serious implications for the central nervous system. An expert panel reporting to Congress assessed the significant risks to human health and environment that industrial farms pose and called for higher levels of inquiry and scrutiny. Because the Clean Air Act does not have specific regulations in

place to control emissions of hydrogen sulfide from animal feeding operations (AFOs) and because ammonia is not a regulated pollutant, CERCLA and EPCRA are the only regulatory sources of information available to citizens and policy makers.

Given the EPA's appeal regarding the case of Association of Irrigated Residents, et al vs. Environmental Protection Agency, 494 F. 3d 1027, it seems as though the appeal was just to provide temporary immunity to CAFOs until the EPA can issue a full exemption from the CERCLA and EPCRA requirements which were the subject of the initial agreement which sparked the law suit. The House of Representatives Committee on Energy and Commerce goes further to pose several questions directly to EPA. Questions include those regarding the Agency's reasoning to exempt large CAFO instead of limiting the exemption to small family farms to address the burden reduction factor, regarding the publication date of EPA's methodology for AFO emission estimation and questions regarding whether emissions from CAFOs are within the typical background concentrations range.

Another document cited in this letter is a U.S. EPA memorandum reflecting a revision of a previous memo titled "Screening-level Acute Risk Estimates for Emissions of Hydrogen Sulfide and Ammonia from Hypothetical Feedlot Wastewater Treatment Lagoons." This memo provides analyses and methodology for estimating downwind pollution concentrations and evaluations of risk to human health.

*Relevance to Reporting Exemption* – Document cites reasons why the exemption is not in the public's best interest and does not represent the view of State and local emergency response commissions.

**Attachment 531.10:** Congressional Research Service Memorandum from Claudia Copeland to Richard Frandsen of the House Energy and Commerce Committee with subject line "Emergency Planning Committee Comments on 'Poultry Petition.'" January, 2008.

*Summary* – This memorandum summarizes the events leading up to EPA's proposed exemption of farms from reporting requirements under CERCLA and EPCRA and discloses requested information regarding the 26 comments from State emergency response commissions and local emergency planning commissions that the EPA claims to support the exemption.

The Congressional Research Service (CRS) states that the 26 comments referenced in the December *Federal Register* Notice were submitted by five state emergency response commissions or agencies (SERCs) and 21 local emergency planning commissions or committees (LEPCs). The CRS also stated that the 26 comments represent only a small fraction of the 4,491 LEPCs and SERCs that are included in EPA's database. The majority of the 26 comments (from 17 LEPCs and 1 SERC) are essentially identical letters.

*Relevance to Reporting Exemption* – The memo discloses information regarding comments that appear to be identical and express support for the proposed exemption.

**Attachment 531.11:** This document is not available in FDMS since it is a copyrighted publication and may not be reproduced without consent of the copyright holder. Therefore, no summary is provided.

**Attachment 531.12:** Comments from the Environmental Integrity Project in opposition to the poultry producers' petition ("Poultry Petition") for exemption from the reporting requirements under CERCLA and EPCRA. March, 2006.

*Summary* – This document urges EPA to reconsider the exemption because of detrimental human health impacts and the lack of, and need for, emission information and control. The document also urges the EPA to comply with the recommendations of the National Academy of Sciences, require poultry operations to reduce ammonia emissions and employ a mass balance approach to monitor AFO ammonia emissions via an aggressive field program.

The current livestock industry trend is fewer but bigger operations producing a large amount of waste. This results in a higher geographic concentration of waste which is detrimental to human health and the environment. Ammonia is a human toxin, the largest emitter of which is animal feeding operations. The document states that exposure to ammonia results in severe human health effects and many farms regularly report concentration far greater than those set as maximum by the National Institute of Occupational Safety and Health. Ammonia is not only harmful to humans but is also harmful to birds, surface water, and populations beyond the emitting farms via downwind deposition of volatilized ammonia. The American Public Health Association called for a moratorium on all new CAFOs until more data on public health is collected and uncertainties minimized.

The proposed exemption is at odds with the goals of EPCRA / CERCLA to provide information for the protection of people and the environment. The exemption would also go against several court decisions which upheld the reporting requirement for AFOs. Also, granting this exemption would be "reversing prior positions that [the EPA] has taken in enforcement cases." Retaining reporting requirements under EPCRA / CERCLA is imperative because they are "necessary complements to federal permitting statutes to address emissions of ammonia that would not otherwise be regulated."

The document states that EPA should adhere to the recommendations of the National Academy of Sciences (NAS) to decrease emissions immediately by either reducing the size of the operations or treating the air using washing walls or biofilters. Some other techniques recommended include diet manipulation and adding enzyme additives to litter.

The document states that reporting will not overburden the emergency response systems because the government retains the right to choose what reports to respond to, and thus does not have to respond to every report. Also reporting does not overburden the regulated community because CERCLA and EPCRA only require estimates of emissions. According to NAS, a mass balance approach can be employed to estimate ammonia emissions. The parameters of the calculation, such as purchased feed and nitrogen fertilizer, are readily available to all producers. Also, the reporting administrative burden is extremely low as only a phone call is required under EPCRA. The document also

states that this exemption greatly violates the community right to know about hazardous substances and hampers the EPA ability to gather pertinent data to protect its citizens.

*Relevance to Reporting Exemption* – Document discusses the reasons why the exemption threatens human health and hinders the government ability to protect its citizens.

**Attachment 531.13:** This document is not available in FDMS since it is a copyrighted publication and may not be reproduced without consent of the copyright holder. Therefore, no summary is provided.

**Attachment 531.14:** “National Emission Inventory - Ammonia Emissions from Animal Agricultural Operations Revised Draft Report”, U.S. Environmental Protection Agency. April 22, 2005.

*Summary* - On January 30, 2004, EPA released draft estimates of ammonia emissions from U.S. animal agricultural operations for the years 2002, 2010, 2015, 2020, and 2030 (for inclusion in EPA’s National Emissions Inventory (NEI)) and a draft report that described the data collected and literature reviewed to develop the inventory, explained the methodology to estimate ammonia emissions, summarized the results at the state level, and discussed the limitations associated with the data used. The draft report was revised based on comments the EPA received from interested parties in the public sector.

This report presents the revised [see next paragraph] ammonia emission estimates for beef, dairy, swine, poultry, sheep, goat, and horse operations. The revised annual ammonia emission estimates by animal group for each county in the United States can be obtained from EPA’s national emissions inventory web site at <http://www.epa.gov/ttn/chief/eiinformation.html>.

*Relevance to Reporting Exemption* – Ammonia emissions are quantified in this document.

**Attachment 531.15:** “Non-Water Quality Impact Estimates for Animal Feeding Operations,” U.S. EPA – Engineering and Analysis Division, Office of Water. December, 2002.

*Summary* – This report presents the methodology for and estimates of the non-water quality impact estimates (NWQI) for seven regulatory options that were considered for CAFOs, including beef feedlots, dairies, and heifer, veal, swine, broiler, layer, and turkey operations. Impacts include:

- Air emissions from the animal production area, including animal housing and manure storage and treatment areas;
- Air emissions from the application of manure to land;
- Air emissions from vehicles, including those involved in the off-site transport of manure and in on-site composting operations; and



- Energy impacts from land application activities, the use of digesters, and the transportation of manure.

*Relevance to Reporting Exemption* – The document presents current estimated emissions levels which are useful in determining whether emissions should be reported.

**Attachment 531.16:** Renewal of Information Collection Request for the Continuous Release Reporting Requirement. Office of Management and Budget docket submission, October 1, 2004. SFUND-2000-0008.

*Summary* – This document addresses the reporting and recordkeeping requirements for the Continuous Release Reporting Requirement (CRRR). The document also provides estimates of the total number of facilities affected by the CRRR requirement as well as the costs associated with recordkeeping and information collection.

*Relevance to Reporting Exemption* – Unclear. The document provides discussion of information required by the CRRR and the cost of reporting this information.

**Attachment 531.17:** “White Paper Summaries”, National Center for Manure and Animal Waste Management – USDA Fund for Rural America Grant. December 11, 2001.

*Summary* – Document consists of summaries of 20 white papers written to update the state of scientific knowledge concerning developing priority areas for animal production and waste management.

*Relevance to Reporting Exemption* – Papers describe the state of scientific knowledge in the emerging areas of manure management.

**Attachment 531.18:** This document is not available in FDMS since it is a copyrighted publication and may not be reproduced without consent of the copyright holder. Therefore, no summary is provided.

**Attachment 531.19:** Toxicological Profile for Hydrogen Sulfide. Department of Health and Human Services, Agency for Toxic Substances & Disease Registry. July, 2006. (Citation obtained through internet search.)

*Summary* – This chapter provides public health officials, physicians, toxicologists, and other interested individuals and groups with an overall perspective on the toxicology of hydrogen sulfide. It contains descriptions and evaluations of toxicological studies and epidemiological investigations and provides conclusions, where possible, on the relevance of toxicity and toxicokinetic data to public health.

*Relevance to Reporting Exemption* – This profile summarizes toxicological evidence for hydrogen sulfide, a gas associated with CAFOs.

**Attachment 531.20:** This document is not available in FDMS since it is a copyrighted publication and may not be reproduced without consent of the copyright holder. Therefore, no summary is provided.